

The Dark Side of Knowledge

Intersections

INTERDISCIPLINARY STUDIES IN EARLY MODERN CULTURE

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VOLUME 46 – 2016

The titles published in this series are listed at brill.com/inte

The Dark Side of Knowledge

Histories of Ignorance, 1400 to 1800

Edited by

Cornel Zwierlein



B R I L L

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Cover illustration: Jode Cornelis, *Totius orbis cogniti universalis descriptio* [...] 1589,
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tabula 1, after fol. 1. © Helsinki University Library, A. E. Nordenskiöld Collection.

Library of Congress Cataloging-in-Publication Data

Names: Zwierlein, Cornel, editor.

Title: The dark side of knowledge : histories of ignorance, 1400 to 1800 / [16 contributors] ;
edited by Cornel Zwierlein.

Description: Leiden ; Boston : Brill, 2016. | Series: Intersections : Interdisciplinary Studies
in Early Modern Culture ; 46 | Includes bibliographical references and index.

Identifiers: LCCN 2016019823 (print) | LCCN 2016021962 (ebook) | ISBN 9789004325128
(hardback : alk. paper) | ISBN 9789004325180 (E-book)

Subjects: LCSH: Ignorance (Theory of knowledge)—History. | Ignorance (Theory of knowledge)—
Social aspects.

Classification: LCC BD221.D37 2016 (print) | LCC BD221 (ebook) | DDC 121—dc23

LC record available at <https://lccn.loc.gov/2016019823>

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Typeface for the Latin, Greek, and Cyrillic scripts: “Brill”. See and download: brill.com/brill-typeface.

ISSN 1568-1181

ISBN 978-90-04-32512-8 (hardback)

ISBN 978-90-04-32518-0 (e-book)

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This book is printed on acid-free paper and produced in a sustainable manner.

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Acknowledgements

It was a very enlightened moment when John Locke described ignorance as the 'dark side of knowledge'. Following him, all co-ignorants who worked and thought together for roughly three years, physically sometimes on one side of the Atlantic and sometimes on the other, were not a community of dark gothic conspirators, but tried to shed some light into those abysses. The culmination was two conferences, the first held in February 2015 at Harvard University in the History Department's Robinson Hall, the second in April of that year at the German Historical Institute in Paris. A selected part of the papers presented has been developed into articles and are gathered in this volume. Many have helped to make this happen who deserve more than a mention in this preface, but this is all that is possible: at Harvard's History Department the project was immediately welcomed and supported by its successive heads David Armitage and Daniel Smail, the latter even contributing to the enterprise. Joyce Chaplin chaired a whole day and Charles Donahue from the Law School the Law panel, both adding much food for thought during the discussion. John Hamilton from the German Department added his own and that department's invaluable support. On the side of the graduate students, support by the early modernists and late medieval doctoral students was always splendid, such as by Louis Gerdelen, Devin Fitzgerald, Taylor Cowdery, Michael Tworek and Joe La Hausse Lalouviere, but also the whole group, including Rowan Dorin, Honora Spicer, Stuart McManus, and Sonia Tycko, led by Ann Blair who attended the two days, was inspiring through their comments and their interest. Ann Kaufmann, Kimberly O'Hagan and Cory Paulsen were tremendously kind and supportive for the administrative part that I could not do on my own. The event at the German Historical Institute was only made possible through the financial support of the German Science Foundation (funding line 'International Conference'), administered through the Bochum account, and of the Institute itself. Here it was Thomas Maissen who supported the enterprise. Rainer Babel, Christine Lebeau and Wolfgang Kaiser chaired and Alessandro Stanziani contributed with a splendid *ex tempore* commentary. The Institute's whole administrative staff lent a helpful hand at some point, especially noteworthy were Odile Winkenjohann and Maria David who did most of the work, and at Bochum Roxana Breitenbach remained the always reachable bridgehead. Perry Gauci, Valentin Groebner, Stefan Kaufmann, Vincenzo Lavenia, Franz Lebsanft, Matthew Mulcahy, Ulrich Pfisterer, Diego Quaglioni, Natalie E. Rothman, and Matthew Vester were helpful by supporting my work as editor with short comments on

selected parts of the volume during the process of editing and reviewing. My co-members of the Board of *Intersections* immediately accepted the proposal for the volume, Karl Enenkel as general editor, Ivo Romein, Arjan van Dijk and Gera van Bedaf from Brill were always there for any help needed. Many thanks also to the team of Asiatype Inc. for a very quick and precise type-setting. Stephen A. Walsh has edited all articles of the non-English native speakers in his usual quick, respectful, intuitive and precise way. This was not a product of any excellence initiative or large grant, the financial means were thus quite modest and organization not always easy during my time at Harvard as well as back at Bochum, sometimes with me acting as my own *Mitarbeiter* and *Hiwi*, to use the German terms. Expressing my gratitude to all those already mentioned, but most of all, thanking all of those who gave their great contributions is thus a deeply felt desire. I hope we caught all errors. Thank you all for that darksider community, may some readers have, perhaps, some inspiration and even some joy reading one or another chapter—probably enlarging darkness and light at the same time—as ignorance and knowledge are always merged indissolubly.

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Prof. Dr. Cornel Zwierlein earned his PhD in 2003 from the University of Munich (LMU) and the CESR Tours. He is teaching early modern and environmental history at the university of Bochum since 2008, early modern history since 2001 at Munich. He earned fellowships in France, Italy, Germany, and the Max-Weber-Price of the Bavarian Academy of Sciences in 2010. He has been Fellow (2013–2015) and Associate (2016) of the Harvard History Department and at CRASSH, Wolfson College (Cambridge University, 2014). Monographs: *Discorso and Lex Dei. Die Entstehung neuer Denkrahmen im 16. Jahrhundert und die Wahrnehmung der französischen Religionskriege in Italien und Deutschland* (Göttingen, Vandenhoeck & Ruprecht: 2006), *Der gezähmte Prometheus. Feuer und Sicherheit zwischen Früher Neuzeit und Moderne* (Göttingen, Vandenhoeck & Ruprecht: 2011), *The Political Thought of the French League and Rome, 1585–1589. De justa populi gallici ab Henrico tertio defectione and De justa Henrici tertii abdicatione* (Jean Boucher, 1589) (Geneva, Droz: 2016) and *Imperial Unknowns. The French and the British in the Mediterranean, 1650–1750* (Cambridge, Cambridge University Press: 2016). Forthcoming is a revised English version of *The Tamed Prometheus* (West Virginia University Press).

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Introduction: Towards a History of Ignorance

Cornel Zwierlein

As ignorance is always larger than knowledge, a concise and complete introduction or a general theory of a History of Ignorance seems *a priori* impossible. The following lines therefore do not claim to rise to such Olympic fields; they are more a sketch of problems, of points of views and of possible approaches that might arise when one starts to write histories of forms of ignorance and how people coped with ignorance in the past. And, being subservient to the combined work of all contributors to this collective enterprise, this introduction proceeds largely by taking the examples from the volume itself in an inductive way, trying to generalize some of the problems raised there to such a level that other scholars and studies might link their proper ideas and work with what these combined case studies can offer.

1 A ‘Grammar’

The first step of approaching the problem of a history of ignorance might be to borrow questions and terminology from the sociology of ignorance, because for some decades in this field of the humanities, a specific focus on, and a terminology for those problems has been developing. But the historian will be quickly disappointed by the results of simply re-projecting those schemes conceived for the problems of the twentieth and twenty-first centuries back into the past (cf. for more on that and for prudent reflexions on the terminologies offered the framing last contribution by William O'Reilly in this volume). If one only recalls the wealth of the terminology of *ignorantia* already worked out by medieval lawyers and theologians, it could seem reductionist or even ignorant to use the perhaps less fitting technical terms utilized by sociologists, problematizing the decision-making occurring under circumstances of ignorance concerning the problems of climate change or terrorist attacks. But as always in History, the division between the language of sources and the language of historical description makes it necessary to prepare at least a reservoir of terms that address recurring problems and distinctions in a basic form. So, one should take this rather as a ‘grammar’ and a set of terms to create a common first understanding, but not as a historical approach and as a theory of history as such. The reason for that lays in the hermeneutical distance between the

historical objects themselves and in the (still historicist) necessity to investigate in and to describe the conditions of ignorance and ignoring proper for each historical situation and period as well as their development—otherwise, the application of preformed terminology can have the seductive effect of creating the false impression of a novel historical narrative while in reality what it does is to employ scattered pieces of historical material for the reification of that ahistorical terminology. If the sociology of ignorance itself sometimes (seldom) refers to historical realities and circumstances, it is through citations from major philosophers (such as Bacon and Pascal), and in so doing nearly always referring to the one historical context recognized as important for itself, the early modern scientific revolution. Significantly, the only instance in which one of the early founders of the sociology of ignorance, Georg Simmel, reflected on *Nichtwissen* in historical terms, it was in a sketch of European scientific ‘advances’ and forgotten forms of knowledge.¹ This is indeed a major epistemic shift of great importance which will also be addressed, somewhat implicitly, by several contributions here. Locke’s terming ignorance as the ‘dark side of knowledge’ as is this volume’s title, is taken from that context as well. But regarding entire premodern histories and societies, it is a very specific, indeed tiny, niche where those early forms of reasoning about ‘ignorance’ emerged which, apparently, present-day sociology can still identify as its own precursors. There are many medieval and early modern forms and problems of ignorance that we will see here, which are far less bound to those philosophical foundations of a twentieth/twenty-first century knowledge based society that tries to contemplate its blind spots and how to cope with them. So, the following grammar, which derives from that sociological menu, is thought to simply serve the aforementioned function of a first and primary intersubjective understanding, performing the task of description *before* starting the real historical work.² *Nescience*, or *unspecified ignorance*, usually denotes a more or

1 Simmel G., “Lebensanschauung. Vier metaphysische Kapitel [1918]”, Chapter III: “Tod und Unsterblichkeit” in Idem, *Gesamtausgabe*, vol. 16, ed. G. Fitzi – O. Rammstedt (Frankfurt a.M.: 1999) 303.

2 Ravetz J. R., “Usable Knowledge, Usable Ignorance: Incomplete Science with Policy Implications”, in Clark W. C. – Munn R. E. (eds.), *Sustainable Development of the Biosphere* (Cambridge: 1986) 415–432; Collingridge D., *The Social Control of Technology* (New York: 1980); Wilson P., *Second-Hand Knowledge: An Inquiry into Cognitive Authority* (Westport – London: 1983); Smithson M. J., *Ignorance and Uncertainty: Emerging Paradigms* (New York: 1989); Ravetz J. R., *The Merger of Knowledge with Power: Essays in Critical Science* (London – New York: 1990); Luhmann N., “Ökologie des Nichtwissens”, in Idem, *Beobachtungen der Moderne* (Opladen: 1992) 149–220; Wehling P., *Im Schatten des Wissens? Perspektiven der Soziologie des Nichtwissens* (Constance: 2006); Idem, “Vom Risikokalkül zur Governance des Nichtwissens.

less completely unconscious absence of knowledge. As will be developed below (3.1—‘Measuring Ignorance’), nescience becomes visible only from an ex-post or from an outside perspective. A humanist may unmask many elements of pretended ignorance on the side of medieval scholastics; similarly, an enlightened traveler or administrator may expose pretended ignorance(s) among the natives of countries visited or among his own country’s unlearned population. At the same time, however, he can himself fall victim to unconscious forms of ignorance.³ Even more importantly, we historians may reveal elements of unconscious ignorance in late medieval and early modern intellectual discourses and administrative practices by gathering and aggregating archival data in a way that was not accessible to the contemporaries themselves. We speak of *specified ignorance* if an epistemic process took place, by which actors demarcated the borders between the unknown and defined what, how and how much they did not know about something, transforming nescience into ‘non-knowledge’. Consciousness and unconsciousness are similar to, but not identical with, wilful and unwilling ignorance. Those terms refer to a voluntary and purposeful act. Ignoring someone or something can certainly be a strategy, even a means of politics, with positive or negative moral connotations that different observers will assign differently, according to their own schemes of values. Ignoring the flaws of someone can be a noble gesture—and could probably be studied on the basis of advisory texts for the personal conduct of nobles or the late early modern culture of salons—but ignoring someone’s rights, work, even whole person, can serve quite malicious purposes.⁴ One usually terms a specific form of this as ‘negative knowledge’, referring to instances in which actors recognized and specified their ignorance concerning a given fact or problem, but also decided at some point to just leave

Öffentliche Wahrnehmung und soziologische Deutung von Umweltgefährdungen”, in Gross M. (ed.), *Handbuch Umweltozoologie* (Wiesbaden: 2011) 529–548; Böschen S. et al., “Entscheidungen unter Bedingungen pluraler Nichtwissenskulturen”, in Mayntz R. et al. (eds.), *Wissensproduktion und Wissenstransfer. Wissen im Spannungsfeld von Wissenschaft, Politik und Öffentlichkeit* (Bielefeld: 2008) 197–220; Gross M., *Ignorance and Surprise. Science, Society and Ecological Design* (Cambridge, Mass. – London: 2010).

- 3 For the topos of the ignorant objects of missionary activities cf. for instance Heyberger B., *Les Chrétiens du Proche-Orient au temps de la Réforme catholique* (Rome: 1994) 139–143. Parallels can also be found in all asymmetric forms of communication between learned and (allegedly) illiterate populations.
- 4 The latter is discussed in contemporary contexts concerning social behaviour concerning race cf. Steyn M., “The Ignorance Contract: Recollections of Apartheid Childhoods and the Construction of Epistemologies of Ignorance”, *Identities. Global Studies in Culture and Power* 19, 1 (2012) 8–25.

the matter as is, classifying the whole issue as unimportant. In other words, these were portions and parts of ignorance one could live with. The status of ignorance being willed or unwilling has to be distinguished from the functions of ignorance and from acts of ignoring within a society. This is because the goals of a willed form of ignoring can coincide with its functions, but, as always in social contexts, the proximate as well as ultimate functions can differ, unintended outcomes can turn up that are not within a given actor's ability to anticipate and master. Finally, I would propose making a distinction concerning the character of the knowledge/ignorance involved. There is a difference between 'operative' and 'epistemic' knowledge/ignorance. The first serves as guiding schemes and principles in all forms of practice and action (political, economic, agrarian, legal, etc.). No higher forms of written theoretical semantics may exist for it, but an actor or a group still can either take advantage of it or lack it. Epistemic, or perhaps 'discursive', knowledge/ignorance refers to more theoretically developed forms that may be purely contemplative and without direct usability within immediate practical contexts. This is helpful insofar as it allows us to address manifestations, and highly reflective theories, of oblivion, of forgetting, and of ignoring something, embedding humanist or Enlightenment thinkers together with the less contemplative forms of ignorance that arose in the everyday practice of merchants or administrators—and yet we still remain able to distinguish the one from the other. And treating them together makes sense, as operative and epistemic forms of non-knowledge are linked to each other and are often in an osmotic form of interdependency. Daily practice can reach a theoretical level through descriptions and observations, transforming quotidian procedures into discursive knowledge and, vice versa, contemplative armchair theories can become direct actions and establish whole institutions (later, by others, in different form), as they become 'enacted'. Several of the contributions gathered here address those connections between operative and epistemic forms of specifying ignorance and of knowledge: *abacco* teachers and their writings about early forms of calculation and the practice of risk specification in fifteenth century Tuscany; the close interrelationships between mercantilist theories and everyday administrative practice; political decision-making theories and the practice of analysing news, as well as planning and conceiving the unknown future at the very moment of political action. As will be noted shortly below (3.2 'The shift to empiricism'), several of those distinctions concerning 'ignorance' have very long histories and very old roots. As we shall see, one does not require twentieth century sociological terminology to distinguish between forms of ignorance related to the perspective of individual actors and between several voluntary forms of ignorance. But the Mertonian distinctions concerning the

'specification' of ignorance and those differentiations between the collective and social status of knowledge/ignorance were less precisely defined in pre-modern times, even if one can find for many of them astonishingly early parallels. As such, both the sociological and medieval scholastic terminologies are ahistorical, but as an initial consensus for a possible common language of description and understanding, it is a good starting point.

2 Dimensions

There are some dimensions of ignoring and ignorance that intersect or link the more thematic fields of discursive or practical congruity into which the contributions may be classified (law, economy, politics, sciences, theory). Of those, one may highlight here the relationships of ignorance/ignoring with time, space, emotion, with the creation and processing of meaning (semantics and semantic potentials of artefacts and communication), and historical reflections about the place and seat of knowledge as well as of ignorance (what is the *Instanz* of knowing/ignoring?).

2.1 Time and Ignorance

Since the 1960s, several now classical narratives have been written that describe the development of the concept of time, in particular of History, between the late Middle Ages and Modernity. The main idea has been a change from a cyclical concept of time and History to a progressivist, secular teleological concept, for instance, the idea of a stadal succession of civilizational conditions, with an 'open future', which is associated with the names of Koselleck, Pocock or in France with authors from Dubois to the more theoretical Ricœur and Hartog.⁵ Usually those arguments have been developed through the analysis of major historico-philosophical texts in which medieval and early modern authors, from Machiavelli to Buffon and Gibbons made explicit and calculated statements about how 'History', 'Natural History' or 'time' is and is evolving. Those narratives concern explicit discursive conceptions of time horizons. Other dimensions of operative time horizons were addressed more

⁵ Fundamental still is the first collection of essays by Koselleck R., *Vergangene Zukunft. Zur Semantik geschichtlicher Zeiten* (Frankfurt a.M.: 1979). His later work deals with the same themes; Pocock J. G. A., *Barbarism and Religion*, 6 vols. (Cambridge: 1999–2015); Dubois C.-G., *La conception de l'histoire en France au XVI^e siècle (1560–1610)* (Paris: 1977); Ricœur P., *Temps et récit*, 3 vols. (Paris: 1983–1985); Hartog F., *Régimes d'historicité: présentisme et expériences du temps* (Paris: 2003).

by historical anthropologists. These perspectives on time were implicitly embedded into the everyday communication and practices of medieval and early modern people. Scholars have usually been less interested in long-term processes, or in great but general distinctions such as the famous Le Goffian one between the time of work and of merchants on the one hand and of the time of churchmen on the other, followed by many sub-distinctions.⁶ What in both large currents is seldom or not inquired into is the question of the cognitive causes and effects of ignorance, or of the feeling of ignorance, produced by and producing distinctive time horizons, often precisely in the moments of change or in situations of coexistence and intersection of those time horizons. It may be conceived of as a chicken-or-egg question if early modern proto-archaeologists like John Aubry or natural historians like Buffon first ignored a large part of the deep past laying in darkness and then were wont to formulate a developmental form of history that transcended biblical timeframes. Likewise if, vice versa, the humanists' and philosophers' work on synchronizing different chronologies⁷ followed an already pre-conceived framework of historical thought produced by the very *syn-taxis* of knowns as an unintended consequence of the awareness of ignorance and of lacking knowledge for certain regions and people in given times that must have existed, as there were, for example, known aspects of Phoenician history at a given time, but a blank for all histories of the Jews at the same time. In other words, was ignorance a cause of epistemic shifts and clashes or a by-product of those same processes? As with most chicken-egg questions, it is wise to leave it undecided and even suggest that both are true: ignorance is a cause as well as a product of those developments. But what results from that reasoning is that a focus on ignorance, on the degree of its consciousness and specificity, and on the other conditions of ignorance discussed will provide new insights. It helps us not just reproduce the narrative of those major historico-philosophical developments as a certainly helpful general framework, but also concentrate on the historical moments of coexistence between knowns and unknowns, between knowledge and ignorance as they evolved.

The contributions gathered here address those problems for the three dimensions of Past, Present, and Future and for the operative and epistemic or discursive forms of knowledge/ignorance. Communication History has

⁶ Le Goff J., *Pour un autre Moyen Âge. Temps, travail et culture en Occident* (Paris: 1978) 46–79.

⁷ For an overview on research on the history of early modern chronology cf. Levitin D., "From Sacred History to the History of Religion: Paganism, Judaism, and Christianity in European Historiography from Reformation to 'Enlightenment'", *The Historical Journal* 55, 4 (2012) 1117–1160.

already productively challenged the History of politics in many ways, and it has here a core problem: how ‘the present’ is constructed in the perception of political actors and observers as the tableau and reality they work on.⁸ Postal relay systems of correspondence and news transportation established in such different areas as were the Europe of the Renaissance and (earlier) in the successive Chinese dynastic empires fundamentally changed the relationship between time and space. For each case and period, among our important questions are the speed, the frequency, the degree of stability and reliability of transport, and of open or restricted access to, distribution of, the news. But on a general level, it is crucial to recognize that a continually renewing representation of the political present for those regions covered by the descriptive narratives of political news (such as of ‘Europe’, or this or that part of the Chinese Empire) only emerged with those forms of communication beyond the reach of face-to-face communication. This present had always some innate characteristics due to the infrastructure and the forms of descriptions it relied on. While the speed and sometimes regularity of average newsfeed could be impressive, in premodern times there was certainly never a physical synchrony between an event and the perception of news about it. What arrived as news in Rome about the present affairs in Germany via Augsburg was already two or three weeks old at the moment of reception. But in early modern terms, this *was* the Present that the men of politics were dealing with. From the point of view chosen here, questions thus arise on at least two levels. The first is the emergence of a truly early modern concept of news as the necessary, albeit ephemeral and porous, form of ‘reality’ to which all kinds of decision-making had to refer. This meant that ignoring relevant information and news from this or that region and about this or that problem now became a constant theme of reflection. This seems to be a different form not only of communication, but of the reality that politics referred to. The contribution of *Fabrice Micallef* gives examples of these new forms of consciousness of partial or complete ignorance of ‘the relevant news’ about one topic or another, all of which were, again, cause and effect of this historically different form of the present at the

⁸ Woolf D., “News, History and the Construction of the Present”, in Dooley B. – Baron S. A. (eds.), *The Politics of Information in Early Modern Europe* (London – New York: 2001) 80–118; Behringer W., *Im Zeichen des Merkur. Reichspost und Kommunikationsrevolution in der Frühen Neuzeit* (Göttingen: 2003). For the concept of ‘horizons of the present’ and *avvisi* communication see Zwierlein C., *Discorso und Lex Dei. Die Entstehung neuer Denkrahmen im 16. Jahrhundert und die Wahrnehmung der französischen Religionskriege in Italien und Deutschland* (Göttingen: 2006) 198–294, 557–610, cf. Dooley B. (ed.), *The Dissemination of News and the Emergence of Contemporaneity in Early Modern Europe* (Aldershot: 2010).

same time. On another level, an interesting question arises: to what degree and how were actors aware of the forms of ignorance produced by the shape and the selectivity of that ‘fluid present’? Newsletters usually contained only very specific contents; more implicitly than explicitly they gave quality and density of attention only to a tiny set of regions. They did not pay any attention to many other coexisting events and realities in social strata not ‘seen’ by the political elite, and their necessary transport meant that the mark of delay was unavoidable. These are two forms of consciously or unconsciously ignoring the present and of ignorance produced by the historically specific representation of the present which emerged in co-evolution with postal relay-based long distance communication. It was first of all situated on an operative level of action, but surely, it had great impact on ‘higher’ discourses, as several forms of reflecting upon and coping with these forms of ignorance show, such as notation systems like the famous double-entry bookkeeping, situated on an intermediate level of merchant practices. This is, at its very core, a system that attempts to represent the present situation of a firm’s whole economic affairs despite the asynchronous flows of income and expenses, of incoming and outgoing goods and values in a system of stretched out inter-factory trade communication.⁹ The transfer of this form of responding to ignorance through a synchronized form of value representation into the administration of state finances took hundreds of years between the first city government which adopted it in Italy and the still failing reform attempts in mid-eighteenth century France.¹⁰ This long process reminds the historian that the question of how one operated under circumstances of partial ignorance for centuries, without a synchronized overview of state finances, and how the administrators witnessed the coexistence of both forms of financial communication. On a still more discursive level, late Renaissance theories of *prudentia* (following Bodin and Botero: contribution *Fabrice Micallef*) are historical theories of decision-making under circumstances of ignorance that are specific to these moments within the long development of the present’s shape.

While there are also other causal factors and inner discursive developments that the way the past and History were conceived between medieval and modern times, the just mentioned emergence of different representations of the present also resulted in a different conception of the past. The emergence of late humanist forms of history writing, heavily relying on collecting and digest-

⁹ One of the best introductions into the materiality of the notation system of the early capitalist Mediterranean merchants remains Melis F., *Aspetti della vita economica medievale. Studi nell’Archivio Datini di Prato* (Siena: 1962).

¹⁰ Cf. for the latter problem the contributions of Isenmann and Legay in this volume.

ing past news,¹¹ shows that impact. Here the past was conceived of as a succession of layers of past representations of present states of a given region—and this could eventually lead authors to new states of awareness concerning their ignorance of certain or large parts of that past, for the simple reason that no such coherent web of archived news was available for earlier times. The ‘darkness’ of the Middle Ages opened up by implicitly comparing the current form of representing the present with the information provided by chronicles and other compilations of data for previous and lost times.¹² One could interpret, for instance, the humanists’ rediscovery and high estimation of the letters of Cicero and Pliny¹³ not only as a rediscovery of ancient ‘private life’ but as an acknowledgement of a past representation of news flow and of the political present enhanced by the Roman communication infrastructure of streets, news carriers, and later of means of transport already relying on principles

¹¹ This applies mostly to those historians who wrote histories of the recent past, but sometimes went back into earlier periods. For Italian humanists strongly relying on collected archival and ‘past news’ material cf. Cutinelli Rèndina E., *Guicciardini* (Rome: 2009); Zimmermann T. C. P., *Paolo Giovio: the Historian and the Crisis of sixteenth-century Italy* (Princeton: 1995); for France for instance, Yardeni M., “Esotérisme, religion et histoire dans l’œuvre de Palma Cayet”, *Revue de l’histoire des religions* 198 (1981) 285–305. The author of the *Chronologies* of early times of Henry IV was linked to and succeeded by the editors of the *Mercure Français*, which was itself a precursor of Renaudot’s *Gazette*. For England, Woolf D. R., *The Social Circulation of the Past: English Historical Culture, 1500–1730* (Oxford: 2003). In Germany, the relationship of that form of history writing with the emerging genres of printed news or of annalistic summaries of recent events around 1580/1600 is even closer, cf. the bibliography Bender K., *Relationes historicae. Ein Bestandsverzeichnis der deutschen Messrelationen von 1583 bis 1648* (Berlin: 1994).

¹² On medieval organization principles and forms of history writing, retrieved mostly from Central European examples cf. Goetz H. W., *Geschichtsschreibung und Geschichtsbewußtsein im hohen Mittelalter* (Berlin: 1999).

¹³ Witt R., *In the Footsteps of the Ancients: the Origins of Humanism from Lovato to Bruni* (Leiden – Boston: 2000) 224–229; easily to be overseen due to its concentration on Agricola is Akkerman F., “De Neolatijnse epistolografie. Rudolf Agricola” [first 1985] in Idem, *Met iets van eeuwigheid* (Groningen: 1999) 80–98, which gives a good overview on that humanist interest from the fourteenth century in the *epistola familiaris* and the phenomenon that the emulation of factual narration of daily news mixed with private affairs was perhaps the latest and most difficult form of humanist re-invention in dialogue with Antiquity. Mostly (as with Alfred von Martin for instance), the *epistola familiaris* is taken as the genre that re-established intimacy and ‘friendship’. Cicero’s and Pliny’s letters contain information on the ancient private transport system, relying on *tabellarii* as opposed to the *cursus publicus* established by Augustus which was restricted to state and military purposes, cf. Kolb A., “Communications II: Classical Antiquity”, in Cancik H. – Schneider H. (eds.), *Brill’s New Pauly* [Brill online 2006].

close to postal relay systems, closely resembling the humanists' own days and different from medieval times. If, in a next step, philosophers reflected on the structure of History as a whole, of its shape, developmental character and the causalities involved, this was all determined by that basic change of concept of the past, relying on the aforementioned new form of the present. The problems of ignorance and ignoring evoked there are mirrored and transferred in analogy to that new form of History, as the contribution of *Lucian Hölscher* shows. The Newtonian shock of discovering a concept of absolute time, as was still being digested by late Enlightenment German philosophers of History, was an epistemic challenge nevertheless different from the abovementioned changes in the perception of the past. The questions raised, however, are still highly related. Questioning the past and History as its description regarding the voids as those philosophers did, was the effect of becoming aware of the selective shape and character of the information provided—now and in different forms in the past. Instead of having an unquestioned idea of the past as an always similar (for instance Biblical) narrative without gaps, as a seemingly dense unity, things change if one accepts that sources do not say very much about a given region or monastery for example. Records of past events, in other words, were as selective as current news. And even more so because in the past, there was not anyone who continuously produced written representations of present conditions. If only from time to time, some letters or a chronicler working from oral transmission and memory survived, History, measured against the current form of the present, became perceived more like a network of loosely connected nodes of knowns with a great deal of void between them instead of that former idea of a dense tableau. Theories about how whole civilizations fall and become 'forgotten' in diluvian forms of oblivion or how smaller instances of destruction and the fall of empires, states or cities lead to the forgetting of their past start to emerge in humanist times.¹⁴ Those reflections as well as thoughts on causality and how History behaves according to divine or natural laws and where forms of *fortuna*, hazard and contingency pose limits to such lawfulness can be interpreted as a reflective supplement to the partially or

¹⁴ On Renaissance theories of general oblivion cf. Sasso G., "De aeternitate mundi (Discorsi, II 5)", in Idem, *Machiavelli e gli antichi e altri saggi*, vol. 1 (Milan – Naples: 1987) 167–399, and for the development of the Machiavellian *topos* until Ammirato, Zwierlein C., "Forgotten Religions, Religions that Cause Forgetting", in Karremann I. – Zwierlein C. – Groote I. (eds.), *Forgetting Faith: Negotiating Confessional Conflict in Early Modern Europe* (Berlin: 2012) 117–138. On the theme of individual forgetting and self-forgetting as a theme of literature and as subfield of the *ars memoriae* cf. Sullivan G. A., *Memory and Forgetting in English Renaissance Drama. Shakespeare, Marlowe, Webster* (Cambridge: 2005).

largely unknown content of the Past by the form of a structure that prevailed beyond the knowable and despite so many unknowns.¹⁵

While the present and past are logically knowable but empirically out of reach, and their representation biased by current forms of communication, the future has always been and is logically unknown. Much has been written about the development from concepts of closed futures, linked to either linear biblical time or cyclical forms of rise, peak and decline, to allegedly modern concepts of an open future of, for instance, humankind's progress. All that concerns, again, more the level of philosophical discourse, linked to the reflexive forms of conceiving laws of History already mentioned. It is less represented in this volume, where more attention is given to the problems of how, e.g. in terms of economic and state financial operations and political planning, late medieval and early modern possible futures were fabricated as forms of prognostics.¹⁶ To some extent, the line from proto-probabilistic forms of risk modelling in late medieval Tuscany to the political arithmetic of future scenarios of state finances and the balance of trade between nations, follows well prepared historiographical paths. But the focus on future as just one content and object of ignorance allows us to understand these developments in a wider context. One important potential here is the ability to see the intersection of different coincident epistemic fields and the conflation of their respective methods of reasoning about and of coping with future unknowns. The Florentine proto-probabilistic form of risk conceptions, for example, seems just to be a product of theological, merchant and mathematical (*abacco*) approaches to shaping the future as a not-yet-present and to make it calculable as the contribution by *Giovanni Ceccarelli* shows. For the late seventeenth century, a similar widening of horizons allows us to understand that it is not just the question how the techniques to model the future unknown by prognosis became more and more subtle by more sophisticated mathematical calculations. If those mathematical calculations concerned such specific questions as how exponential discounting can achieve a representation of the present value of future corporate profits, then a new step was achieved. Techniques

¹⁵ Santoro M., *Fortuna, ragione e prudenza nella civiltà letteraria del Cinquecento*, 2nd ed. (Naples: 1978).

¹⁶ Hamon P., "Gouverner, c'est prévoir: Quelques remarques sur la prévision financière dans la première moitié du XVI^e siècle", in *L'administration des finances sous l'Ancien Régime* (Paris: 1997) 5–15 with the distinction between a prognostics of state finances 'au futur' and 'du futur': sixteenth century *messieurs des finances* might have had a practical vision of the near future of their accounting, but were not able to produce explicit fully developed tableaus of the state's future financial situation as a whole.

to cope with future unknowns within the field of late seventeenth and eighteenth century political economy did not just concentrate on the generation of mathematized tableaus of possible futures, but they also tried to determine the value of each such possible future that was thought to be the most likely, in the now. The ignored was not only replaced by a probable known, it was even transformed into a negotiable asset.

All three dimensions of time are necessarily linked to each other.

2.2 *Space and Ignorance*

The epistemic changes concerning the conception of physical space in the narrower field of geography are linked to the practical experience of space, to the change of the aforementioned means of transport, but again also distinguishable because of their belonging to a specialized field of knowledge production. The constant work of generations of learned geographers with new instruments for calculating—and measuring very differently—longitudes and latitudes before the fifteenth century Ptolemaic Renaissance, before and after the Newtonian debate around 1700 about the shape of the world¹⁷ and before and after the invention of time-keeping clocks for purposes of longitude calculation around 1750 had less impact on experienced sailors and navigators than one might imagine.¹⁸ But on the desk of academic geographers, these inventions could lead to real ‘shocks’, realizing that on a map, the real distance between two points and the scale of whole continents had to be altered by hundreds and even thousands of miles. The most fitting object for the history of ignorance is here certainly the emergence and treatment of empty spaces as perhaps the most evident form of the explicit visual specification of ignorance.¹⁹ *Lucile Haguet* specifies that it cannot be just the question of detecting blank spots on maps, seeing them filled in the seventeenth century and then noting their re-emergence in a more carefully delimited form in Enlightenment Paris. Rather, it was the rise of a highly reflective discourse of commenting upon and

¹⁷ Greenberg J. L., *The problem of the Earth's shape from Newton to Clairaut: The rise of mathematical science in eighteenth-century Paris and the fall of 'normal' science* (Cambridge: 1995).

¹⁸ Andrewes W. J. H., “Even Newton Could Be Wrong: The Story of Harrison’s First Three Sea Clocks”, in Idem (ed.), *The Quest for Longitude* (Cambridge, Mass.: 1996) 189–234; Barnett K., “Explaining’ Themselves: The Barrington Papers, the Board of Longitude, and the Fate of John Harrison”, *Notes & Records of the Royal Society* 65 (2011) 145–162; Dunn R. – Higgitt R., *Ships, Clocks, and Stars: The Quest for Longitude* (New York: 2014).

¹⁹ Surun I., “Le blanc de la carte, matrice de nouvelles représentations des espaces africains”, in I. Laboulais-Lesage (ed.), *Combler les Blancs de la Carte. Modalités et enjeux de la construction des savoirs géographiques (XVII^e–XX^e siècle)* (Strasbourg: 2004) 177–135.

explaining the character and dimensions of the ‘emptiness’ and of what and to what degree geography was still ignorant concerning that space. Mostly, something or even a great deal was known or at least partially known and narrated concerning a given region, but now new standards within epistemic fields that specialized and separated what was to be represented on a geographical map, sought a return to the blank, a visual statement of unknowns that responded to the new principles of measurement and standards of accuracy. The ignorance exposed here was artificially constructed in some way and used as a heuristical tool to promote further research by explicitly replacing older standards with newer empiricist ones. It seems that the earlier shift of the so-called first geographical revolution followed just the reverse path when the humanist normative standard to follow re-discovered texts and Ptolemaic measurements, as the Greek notation system was then understood, replaced the previously existing empirical but rather unexplicated knowledge of Portolan mapmakers.²⁰ The juxtaposition between empirical findings as measured by voyagers and Ptolemaic data—if existent at all for a given world region—was often noted in travel reports as error during the sixteenth century, but it did not lead to a coherent reflexive discourse on the overall scale and amount of ignorance implied in the maps produced. Despite all the technical improvements such as the different forms of spatial projection developed by mapmakers, such an open exposition and even a willed use of re-defining all as ignored through the visual aid of the empty space was reserved to Enlightenment mapmaking and conceptions of space.

Beyond learned cartography, the link between ignorance and space continues to be of high importance. The impact on individual and collective perceptions of distances has already briefly addressed the question of how representations of the present depended on the transportation of news. But we should bear some further points concerning that subjective perception in mind. Groups and individuals both imagined space and journeyed through it, and for several years scholars have discussed the question of the historicization of ‘mental maps’, a matter that has a great deal to do with the historicization of ignorance. Ignoring a distant space, receiving news about it, elaborating a better defined vision and distinction between knowns and unknowns, all this is not restricted to cartography, it also concerns all kinds of written and oral

²⁰ Broc N., *La géographie de la Renaissance (1420–1620)* (Paris: 1980) 9–42; Jacob C., *The Sovereign Map: Theoretical Approaches in Cartography throughout History* (Chicago – London: 2006) 62. For Ptolemy’s notation system cf. Mittenhuber F., *Text- und Kartentradition in der Geographie des Klaudios Ptolemaios. Eine Geschichte der Kartenüberlieferung vom ptolemäischen Original bis in die Renaissance* (Bern: 2009) 165–169.

narratives that are implied, in spatial orientation (for instance of long distance migrants as in the contribution by *William O'Reilly*). Granted, we know very well in general how the concepts and 'images' of other countries evolved within neighbouring or distant societies on a discursive level. Nevertheless, how travelers planned their journeys and how they envisioned their destinations are different questions. How precise or how fluid was this knowledge and how did voyagers cope with partial points of complete ignorance, being forced to leave without any clear idea of what the important conditions of their destinations might be? Regarding the Americas, for instance, this surely evolved through time. During the late sixteenth and seventeenth centuries, the accumulation of relevant information led to the gradual but more or less consistent reduction of what was ignored but identified as necessary, and in the eighteenth century, it seems that something akin to a standard formula of basic points had come together. Migration had become a standard activity and business, and while in fact those who set off on a voyage still did so, viewed from outside, under circumstances of great uncertainty and ignorance, within their society of departure, the re-specification of ignorance according to constant incoming news had relented. This leads to another problem that operated on the same level of generality as the links between ignorance and representations of time and space, the question of ignorance and emotions.

2.3 Emotion and Ignorance

Decades ago, Jean Delumeau started one of his books that developed the ideas of Lucien Febvre by discussing the fear attached to the Mediterranean space that a voyager or a merchant had to cross in late medieval and early modern times, emphasizing how different that experience was and how many documents use metaphors of darkness, of a lack of imagination, of orientation, of fears concerning several specified threats.²¹ He did not specify the perhaps more fundamental problem of ignorance behind that; the fears he was interested in only regarded the undefined mixture of uncertainty and ignorance about what was 'out there'. The ignorance of the space to be crossed and its current conditions were intermingled here with the ignorance of the near future. So, the emotional attitude regarding what is ignored can involve both dimensions, of space and time in all their variations as well as aspects yet to be discussed. This certainly has its anthropological roots and one is tempted to apply bio-

²¹ 1. Delumeau J., *La Peur en Occident (XIV^e–XVIII^e siècles)* (Paris: 1978) 31–54: 'Mer variable où toute crainte abonde', '2. Le lointain et le prochain; le nouveau et l'ancien' (first thematic chapters after the introduction). Delumeau basically elaborated a brief idea by Febvre L., "Pour l'histoire d'un sentiment: le besoin de sécurité", *Annales* 11 (1956) 244–247.

evolutionary theories about how the human mind processes information and how emotions are linked to that. But as far as I can see, the neuroscience of emotions and of decision-making has not yet treated ‘ignorance and ignoring’ as an accepted object of research in terms of cognition processes, emotional attitudes, and behaviour. Some attention has been paid to the willed ignorance of emotions as a synonym for the ‘suppression of emotions’ during decision-making processes, but the emotional attitude towards a subject’s awareness of being ignorant in certain degrees does not appear to be a prominent focus of research at the moment.²² Nonetheless, it seems reasonable to suggest that the different forms of more or less conscious, more or less specified ignorance, as present in this volume as well as in many contemporary situations today, bear an emotional weight for the individuals involved. At least insofar as an unavailable piece of knowledge is sorely needed for a decision or for a given action, fear and other negative emotions become attached to the state of ignorance

²² Agoraphobia, the fear of wide open spaces, is linked to the problem of animals and primates feeling a lack of protection. Nevertheless, on a higher epistemic level beyond instinctive forms of action, it could be interesting to consider other dimensions between unmanageable spaces, ignorance, and fear. See Kaplan S., “Environmental Preference in a Knowledge-Seeking, Knowledge-Using Organism”, in Barkow J. H. – Cosmides L. – Tooby J. (eds.), *The Adapted Mind* (Oxford: 1992) 581–598. The standard neuroscientific accounts of ‘emotion and decision-making’ discuss the problem of priority of emotion to cognition and vice versa following William James, but do not address our problem, cf. e.g. Berthoz A., *Emotion and Reason: The Cognitive Science of Decision Making* (Oxford: 2003) 23–50. More specific theories are, for instance, those of neuroeconomics worked out by Glimcher P. W., *Decisions, Uncertainty, and the Brain. The Science of Neuroeconomics* (Cambridge, Mass. – London: 2003), which uses stochastic Bayesian calculus as an algorithm for how cognition functions with primates and therefore addresses coping with uncertainty within the very core of its model. But it does not consider the role of emotions regarding uncertainty or ignorance. Cf. similarly Idem, *Foundations of Neuroeconomic Analysis* (Oxford: 2011), in which the ‘stochasticity’ of human choice and decision-making is put at the centre of how to understand cognition. Still, the emotion of fear (pp. 365–366) is not linked to the subject’s potential auto-perception of the uncertainties of that stochasticity. In the model of the human brain’s functioning as a ‘predictive mind’, ‘uncertainty’ plays a role as a trigger for a switch from cognitive impenetrability to penetrability (that someone leaves his or her expectations and predictions aside and could be open to the perception of the not-yet-known or not-yet-believed), but the considerations of emotions concern only the question of how the predictive mind might unconsciously tend to prime those predictions that promise the best emotional arousal, cf. Hohwy J., *The Predictive Mind* (Oxford: 2013) 155, 242–249. The focus, in other words, is either on emotion or on the cognitive problem of uncertainty within neuroscientific theories of decision-making. Yet there is less on emotions *towards* ignorance and uncertainty itself *within* those frameworks.

itself, together with, and even rather than, the potentially undesirable outcome of the overall process in question. Certainly it is crucial to distinguish precisely whether we are dealing with the fear of, e.g., the catastrophic possible future results of an attack in a war decided upon under circumstances of ignorance, or if the fear is really focused on sheer ignorance, on the unknowns concerning the character of a land, of a space and the unclear dangers associated with it. But both forms, linked to each other, exist and seem, at least logically, distinguishable.

Beyond reflections on neurobiological roots, which today cannot be ignored in a discussion of the history of emotions, the greater problem is how to historicize emotions concerning the attributions and reactions used and specific to one period, or to one culture or region in the brief dimensions not of evolutionary, but of 'normal' human history. Differences here are still great. While men and women certainly had the same biological dispositions, the semantics of emotional value, in addition to the trained and socialized forms of reactions that produced fear, anger, joy etc. and how it was expressed, were very different, as is well known and has been studied extensively.²³ But no standard methodology of writing such histories has yet been established. Within the primary focus on ignorance chosen here, the problem of emotional attributions and reactions is present on several levels. It is not the aim here to enumerate all possible applications, but we ought to mention a few as they are represented in this volume. One prominent area is the emotions processed during travel. Ignorance might here be linked in many ways with fear, but also with positive forms such as hope, overall concerning the dimensions of space, time and events. In scholarship on the history of natural disasters, the expression of fears has received wide attention—more specific is the question of whether we can precisely determine expressions of fear and unrest concerning the very problem of ignoring—ignoring the next time an earthquake or a hurricane might happen, ignoring its potential dimensions and in so doing ignoring present measures that could be taken to mitigate future needs (cf. the contribution by *Eleonora Rohland*). This brings us immediately back to the issues of public communication about the conceptions of past, present and the future. Even within very 'rational' contexts, such as late seventeenth century English dis-

²³ Reddy W., *The Navigation of Feeling: A Framework for the History of Emotions* (Cambridge: 2001) claims to present a non-constructivist approach, but in comparison with evolutionary psychology (as n. 22), it is in fact itself a mildly constructivist approach to the understanding of emotions and their History, cf. for a discussion Plamper J., "The History of Emotions: An Interview with William Reddy, Barbara Rosenwein, and Peter Stearns", *History and Theory* 49 (2010) 237–265.

cussions on the accuracy of public accounting practices and the causes of mismatches between predictions and realities of calculations of balances of trade, fear and emotion played a significant role: the unknown future, the uncertainties and the emotions related to those seemingly technical issues were intrinsically linked with anti-Protestant and anti-English conspiracism. Better known are the later Enlightenment conspiracy theories that were generated within and about secret societies and their allegedly dreadful plans to destroy the current states and societies. Those conspiracy theories were narratives that compensated for the unknowns prevailing in a given society about a deed that happened in the past or about plans being hatched by hidden agents for the future. They thus introduced causal fictional but possible elements into an otherwise factual description of the reality.²⁴ They only functioned because a huge amount of specified ignorance as object of social communication existed in the early modern public sphere. Their relation to the collective emotions of fear, uncertainty, unrest, and helplessness is evident, but still merits further explicit attention and investigation (cf. the contribution by *Andrew McKenzie-Mcharg* in this volume).

The challenges here are to identify the precise forms of emotional expression and representation and how they were linked to forms of conscious, unconscious ignorance, as well as to their degree and to the uncertainty they provoked, not to an imagined positive or negative result of an action.

2.4 Meaning and Ignorance

A significant facet of ignorance scholarship that would require closer collaboration with more linguists and specialists of literature and arts than was possible here is the question of the relationship between ignorance and the production/communication of meaning, that is, of semantics. If one ignores the meaning of a sign, one may be even uncertain about its status as sign. Therefore, the whole field of semiotics implies the question of a pre-existing, at least supposed knowledge—of a system of *langue* that allows one to understand a given word or sentence, of a set of pictorial and iconographic conventions that permits the historical observer of an image to understand its meaning. An all-inclusive theory of a history of ignorance would probably have to start here with the foundations of sign systems. Ignorance might be involved from the very beginning, thinking for instance within the structuralist Saussurian framework of language theory: as it is a concept's distinctiveness

²⁴ For a definition of “Conspiracy Theory” in that sense cf. Zwierlein C., “Security Politics and Conspiracy Theories in the Emerging European State System (15th/16th c.)”, *Historical Social Research* 38, 1 (2013) 65–95, here 72–73.

from others that defines it, the gap of distance/distinction between concepts and the question of if and how they are related to each other in a system, opens our purview to ignorance from the point of view of an observer and user of that very system. Logically, an unbridgeable gap between different languages would follow, because the semantic outline of a sign in one system can never be exactly identical with that of a sign from another system. This means, for a user/observer, a second level of ignorance between sign systems opens up.²⁵ The threefold semiotic theory of Peirce, adding the interpretant to sign and signifier, which is more often used within text linguistics and closer to the larger problems of a socio-historical approach to the communication of knowledge,²⁶ likewise indicates many points where ignorance is at stake on a very basic level of communication. This sometimes more vaguely addresses the bias of otherness, the problem of understanding foreign(ers) and foreign cultures, but can also be formulated quite precisely in terms of a Peirce-Austin-Gricean pragmatic approach to linguistics. If the interpretant lacks the necessary conventional knowledge for a given communication, the very process of understanding and communication stops, or at least is interrupted temporarily.²⁷ Focusing on those points of 'breaks in understanding', the weaknesses of those models have become clear only quite recently, as they always implicitly refer to idealized contexts where the communicators are sharing common conversational maxims. Four levels of knowledge that are necessary in empirical, not idealized, forms of communication eclipse Grice's implicit cultural universalism: '(1) knowledge of the other participant's culture, (2) knowledge of the other participant's personal conversational habits, (3) knowledge of and sensitiv-

²⁵ François A., "Semantic Maps and the Typology of Colexification: Intertwining Polysemous Networks across Languages", in Vanhove M. (ed.), *From Polysemy to Semantic Change: Towards a Typology of Lexical Semantic Associations* (Amsterdam – Philadelphia: 2008) 163–216, here 165.

²⁶ For a comparison of the language theories in their different variations and arguments for the Peircian approach of semiosis in those contexts, see Dressler W. U., "Textlinguistik und andere Disziplinen", in Brinker K. (ed.), *Text- und Gesprächslinguistik. Ein internationales Handbuch zeitgenössischer Forschung* (Berlin – New York 2000) 762–772.

²⁷ 'When we don't know how to proceed, when we need to understand but find ourselves at a loss for how to construct a tentative working image of speaker intention that will allow us to move forward in the conversation, we are brought to an uncomfortable stop [...] one would need to investigate] more deeply into the difficult metalocutionary process of exploring one's own ignorance, one's own lack of explanatory tools for understanding this or that apparently insurmountable puzzler in ordinary conversations. [...] one could argue that all we need here is better knowledge' (Robinson D., *Performative Linguistics: Speaking and Translating as Doing Things with Words* (New York – London: 2003) 194–195).

ity to human behaviour and motivation in general, and (4) determination to make sense of what the other participant is saying'—problems arise with the absence of one of those forms of knowledge.²⁸ Historians as most people outside linguistic laboratories are often faced with very un-ideal contexts involving those problematic moments of partial or complete absence of knowledge. Ignorance in these matters strongly biases historical processes of meaning construction across borders of cultures and time periods, but also across boundaries between specialized craftsmen and consumers, clergy and laymen, nobles, judges and peasants. Shared forms of pre-understanding in communication can often neither be found in the sources nor can they be assumed. This leads, at the very basis of communication, to ask how people communicate in states of partial ignorance while meaning is being constructed. From a less actor-oriented perspective, it brings our attention to the problem of ignorance produced by the selectivity of semantic potentials of signs, sign complexes and artefacts. A translation from one language into another is always, for each word and sentence, a decision, a selection from a range of possible renderings. The result represents itself in the original text in a language supposedly not mastered by the addressed readers of the translation. Translation theories model this process in various forms, with earlier ones usually supposing the transmission of one given content A in a process of coding and decoding which might lead to deformations or semantic changes, but nevertheless still communicating content A.²⁹ Today most theories instead conceive of the process as a completely new construction of meaning B in the target language, stimulated by the decoded meaning of A in the language of departure, laying stress upon the *hiatus* between both sign systems and an always existing aspect of untranslatability.³⁰ Practical problems with huge consequences arise when translators are completely or partially unable to understand a sign—a word or a *hapax legomenon* never seen before, or a different meaning of the same sign in other contexts—and nevertheless construct a seemingly functional

²⁸ Ibidem 199.

²⁹ The basic concept was formulated—not for translations, but for communication in general—in Shannon C. E., "A Mathematical Theory of Communication", *Bell System Technical Journal* 27 (1948) 379–423, 623–656.

³⁰ Cf. e.g. Hermans T., "Paradoxes and Aporias in Translation and Translation Studies", in Riccardi A. (ed.), *Translation Studies: Perspectives on an Emerging Discipline* (Cambridge: 2002) 10–23, here 11: 'A translation cannot therefore be equivalent with its prototext, it can only be *declared* equivalent by means of a performative speech act', and Venuti L., "The Difference that Translation Makes: the Translator's Unconscious", ibidem 214–241, here 216–219 on the 'irreducible differences in translation'.

and ‘correct’ text in the target language.³¹ Ignorance then biases the result, and the constructive forces of ignorance become hidden to the reader of the translation. Reflections on that process remained embryonic since Jerome in premodern times, mostly outlined in prefaces and other paratexts as opposed to specialized treatises on that subject; there are just not many texts that merit the name ‘translation theory’ before the sixteenth century.³² But the humanist perception of distance from medieval text traditions and transmissions—now detecting ‘errors’ hitherto unconsciously invisible—led also to a higher degree of reflexivity concerning their own capacities of understanding during processes of translation. These were, in fact, reflections on a specific border between knowledge and ignorance concerning a given sign system, and they emerged embryonically in a historically quite precise moment, for instance with Caxton, as the contribution of *Taylor Cowdery* shows.

The selectivity of semantic potentials does not only concern words, sentences or a given text in such processes of its activation—reading and translation being forms of activating semantic potential. Likewise, groups of texts in their inherent discursive interlinkage, or even just in their material combination, being gathered or put together, have semantic potential. The limits of this are thus characterized by the selectivity of that semantic potential that,

³¹ For an already classical critical overview within the narrower field of translation studies, see Snell-Hornby M., *Translation Studies—An Integrated Approach* (Amsterdam: 1988); for the more general approach of cultural transfer that emerged in the late 1980s and is currently merging with postcolonial concepts of hybridization, cf. Espagne M., “Au-delà du comparatisme. La méthode des transferts culturels”, in Avlami C. et al. (eds.), *Historiographie de l’antiquité et transferts culturels. Les histoires anciennes dans l’Europe des XVIII^e et XIX^e siècles* (Amsterdam: 2010) 201–221. In its original formulation, the distinction between the original and target culture was more clearly upheld while formulating the logical paradox but empirical reality of the transfer despite un-identity of the transferred; for Pierre Legrand’s concept of ‘Legal transplants’, used within the context of Legal Comparatism and more recently also within Legal History cf. Graziadei M., “Comparative Law as the Study of the Transplants and Receptions”, in Reimann M. – Zimmermann R. (eds.), *The Oxford Handbook of Comparative Law* (Oxford: 2006) 441–475.

³² A recent reader is Rhodes N. – Kendal G. – Wilson L. (eds.), *English Renaissance Translation Theory* (London: 2013). A recent introduction to the relevant literature (F. M. Rener, Botley, Norton et al.) can be found in White P., “From Commentary to Translation: Figurative Representations of the Text in the French Renaissance”, in Demetriou T. – Tomlinson R. (eds.), *The Culture of Translation in Early Modern England and France, 1500–1660* (Houndsill – New York: 2015) 71–85. On paratexts in general and the growth and pluralization of their content and function during the early modern period cf. Ammon F. von – Vögel H. (eds.), *Die Pluralisierung des Paratextes in der Frühen Neuzeit. Theorie, Formen, Funktionen* (Berlin – New York: 2008).

again, implies and produces ignorance. The theologico-political discursive field concerning the secular and ecclesiastical powers and their limits as represented by the school of Salamanca from ca. 1500 to ca. 1580, for example, had distinct characteristics that separated it from more orthodox monarchical Catholic concepts of papal power and from Protestant concepts about the distinction between those powers at the same time. This was an inner discursive linkage and limitation, not regarding the questions of the material distribution of authors, books, readers and followers of those ideas. However, merely the material gathering of a group of texts on an island with one Robinson Crusoe as a reader capable of at least understanding the language of those books has a semantic potential and its limits and selectivity. Even if the texts themselves belong to very different discursive fields, each of which could be represented on that island, by choice or happenstance, with just one text. From the point of view of the history of ignorance, the focus must be on the borders of inclusion and exclusion, on that selectivity; in the case of such a material gathering of texts and artefacts, their users and readers are necessarily condemned to ignorance concerning other possible texts. Just as the translator hides other possible meanings by choosing one translation and thus implying the reader's ignorance of the variety of the semantic potential of the original, the collector or composer of a group of texts—in a library, for instance—selects and therefore 'hides' other possible contents of which the user remains ignorant. This simple fact merits attention insofar as, and if, it occurs in an environment different from Robinson's island, one that would potentially allow the inclusion of many other texts. In this case the questions become, to what extent such limits of chosen sets of texts and the implied ignorance versus others is willed and unwilling, what functions it has, what purposes it might fulfil, and for whom (cf. my contribution in this volume).

But semantic potentials, as potentials, have not only absolute limits—passages translated or not, texts existing or not—to possible activators, they have also relative limits depending on the method of activation itself and on the capacities and aims of the reader or observer. A polemical Catholic text present in a collection that repeatedly cites an opposed Calvinist text in order to refute it, in so doing includes the excluded. The reader might even activate the mangled Calvinist semantic potential, not accepting the Catholic 'order' of how to read. This same phenomenon is well known for other asymmetric oppositional arrangements, like the Machiavellian readings of texts with explicit anti-Machiavellian purposes (Gentillet's *Discourse*). But this is already a very intentional form of activating a semantic potential against the 'rules of reading' inscribed to a text. On a very basic level, it is the question of if the possible reader or observer actuates the same contextual knowledge, if—to formulate

it in terms of prototype semantics—his or her set of prototypes is trained and developed in a way necessary to adequately classify a given sign and to establish appropriate associations and semantic links.³³ If one has never heard of the ancient Roman Gods, one might classify a picture of Juno as the Madonna. On a level of, again, greater sophistication, this is the question of how an observer is trained in an iconographical and allegorical system of meaning and how then the semantic potential of an image is realized. Often, images not accompanied by narrative explanations have many layers and *strata* of semantic potentials, such as an immediate form of representing parts of reality, and, for instance, a moral one. If an observer is trained and able to distinguish those layers at all, and if then, what semantic potential he or she finally chooses, is a difficult question discussed since the beginning of formal Art History as one of the *ur*-problems of hermeneutics. The perspective of ignorance will simply investigate the balances, proportions and the switch of selection at the borders between those layers and strata of semantic potentials, looking into how ‘subversive’ authors or painters were consciously playing with these levels, giving rise to the question of whether a reader or observer possibly *can* ignore one semantic potential in favor of another, the amoral in favor of the moral for instance (cf. for that the contribution by *John Hamilton*). Purposeful, willed, but also repressed ignorance all emerge as an important part of hermeneutical processes within complex systems of sign and representations.

2.5 *The Seat of Knowledge*

In practice as well as on the discursive level, a significant question with several related dimensions is who, in the end, is the knower, and where the place of knowledge is under the conditions of so much and multiform ignorance. Starting with the discursive level, the figure of the hidden unknown but supreme knower is omnipresent, most of all, in monotheistic religions, such as with Christianity’s *Deus absconditus*. It seems that the experience of ignorance and incapacity of knowing very often led to a discursive projection of the necessary but unreachable existence of the opposite, a point and possessor of complete knowledge. Speculations about the anthropological roots of such projections aside, in our specific field and within the gathered examples here, this can be seen in several very concrete forms of late medieval and early modern political life. Already the pseudo-Aristotelian and Xenophontian figure of the *despotes* that prefigures the absolute monarch who *has*, like the landlord

33 As introduction cf. Aitchison J., *Words in the Mind: an Introduction to the Mental Lexicon*, 4th ed. (Chichester et al.: 2012). The computational reconstruction of semantic and association networks is very advanced.

carefully watching all his lands and possessions, or even *is* like the ‘eye of the Lord’ (*ophthalmos despotou*),³⁴ started a form of stylizing the king or governor as the seat of knowledge in a quite counterfactual way. Whether he really knew all that was needed or not, could be hidden behind the assertion *that* he knew it, that his decisions put an end to all questions, to all ignorance. This is a form of linking monarchical governance and knowledge/ignorance that was enforced and continued throughout the European seventeenth and eighteenth century, and cross-cultural comparisons suggest that it existed in a similar form also in other highly centralized imperial forms of governance as in China at the rise of the Manchu Qing regime.³⁵ But if this was the ‘fashioning’ of the king as omnipotent knower, to transfer the Burkean idea from ceremonial issues to epistemic ones, real and empirical ignorance was thus a constant threat to the political system as such. The century-long efforts of administrative reforms to create a better integrated form of financial information management may have had their very foundation in that emotional fear of ignorance threatening the system (cf. the contributions by Moritz Isenmann, Marie-Laure Legay for that).³⁶ One might consider these counterfactual discourses as *just* fashioning, but it seems to have been for a very long time the only answer of premodern times to what today is more openly addressed as decision-making under conditions of ignorance. Decisions about war and peace, of sending troops, of taxing and levying money or not had to be and were taken despite of the lack of greatly desired empirical information, and yet it was not acceptable that the

34 Pseudo-Aristotele, *Oikonomike*, I, 6, 1345a3; Xenophon, *Oikonomike*, XII, 20.

35 This was the thesis brought forward by Devin Fitzgerald on the Paris part of the conference that prepared this volume. On the seventeenth century imperial relay courier network system, comparable to the European postal system as it emerged since the second half of the fifteenth century, which was even earlier established, but was maintained only for governmental purposes, cf. only Brook T. “Commerce and Communication”, in Twitchett D. C. – Mote F. W. (eds.), *The Cambridge History of China* (Cambridge: 1998) 579–707, esp. 579–670—The restriction of access and therefore the missing conditions for the development of a functional equivalent to the European ‘public sphere’, underline the aspect of the emperor’s fashioning as the only one who knows all or has the right to know all.

36 For contemporary self-awareness of administrators not having the necessary overview and of various lacks of information cf. Legay M. L., *La banqueroute de l’État royal: la gestion des finances publiques de Colbert à la Révolution* (Paris: 2011) 62, 68–72; Dubet A., “La Trésorerie Générale d’Espagne au XVIII^e siècle: un contrôle général des finances royales”, in Eadem – Legay M. L. (eds.), *La Comptabilité publique en Europe, 1500–1850* (Rennes: 2011) 137–154.

ruler, even if human, was ignorant—just as it was not acceptable to imagine an ignorant God.

What has been shortly addressed here regarding political decisions about *whether* to act, and whether this or that option was opportune and desirable in terms of political planning (cf. above the section on the future), has its parallel in the realm of legal thought and practice concerning decisions of whether a deed or action had been *legal* or a sin or a crime. Again, in the medieval and early modern eras, the parallel between the judge and God often directed and framed the more general discourse, as *Mathias Schmoekel* remembers in his contribution. Yet here the everyday practice of judging in court with the help of dense academic theory was at stake and had been developed earlier and instrumentally linked with written consiliar legal texts and the practice of judging itself, than was the case for the field of politics. This meant that legal discourse precociously elaborated a set of reflexive forms of degrees and forms of ignorance which included the perspectives of the judge and of the accused, ignorance of a fact and of the law, in addition to ignorance as (part of) the crime or of the sin and ignorance as possible form of excuse.³⁷ This concerned foremost the development of legal thought and practice after the introduction of the inquisitorial principle of investigation *ex officio*, a circumstance which, as is well known, replaced the actors with the empirical *truth* of what had happened at the epistemic centre of every process of judgment.³⁸ But this still led to a two-sided repartition of knowledge and ignorance because the ultimate questions were about the knowledge of the judge, to what extent he was allowed to remain ignorant, and to what extent he might be allowed to override empirical knowledge by rules dictated by his conscience. At the same time, this shift also led to the empowerment of testimonies, witnesses and the people that had to be accepted as the seat of knowledge about what had actually happened but also about customs and customary law prevailing in a given place, as the dense case study by *Govind P. Sreenivasan* shows concerning the status of peasant testimonies and the legal meaning of silence in early modern conflicts about land possession. Courts now sent out officers to produce interrogatory material of solely an empirical nature because

³⁷ See the contributions of Smail, Schmoekel and Sreenivasan.

³⁸ Trusen W., "Der Inquisitionsprozess. Seine historischen Grundlagen und frühen Formen", *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte Kan. Abt.* 74 (1988) 168–230; Lavenia V., *L'infamia e il perdono. Tributi, pene e confessione nella teologia morale della prima età moderna* (Bologna: 2004); Schmoekel M., *Humanität und Staatsraison. Die Abschaffung der Folter in Europa und die Entwicklung des gemeinen Strafprozeß- und Beweisrechts seit dem hohen Mittelalter* (Cologne et al.: 2000).

they lacked the necessary knowledge about the law that was to be adopted to a given case. Some time passed before a moral and hermeneutical question arose: if one—always ungodly deficient—human judge was better than a plurality, or—to put it on a more general level—if plural and therefore partially ‘statistical’ or democratic forms of ‘the judge’ were more appropriate for such an inductive empirical, and itself often open-ended instead of a deductive, form of truth production. The shift to the empirical meant that in some way or another ignorance could never be banished completely. There could always be another clue, another fact discovered that might cast doubt upon the previous state of accepted knowledge. The legal system (Beccaria reasoning about juries instead of singular judges) had here again a parallel with the contemporary political system (Abbé de St. Pierre reflecting on the polysynody of a plurality of councils instead of the abovementioned all-knowing monarch for instance). In both the fields of law and politics, the dimension of time was again intrinsically linked with the problem of ignorance. Ignorance, after all, prevailed and grew the shorter the time to investigate empirical evidence took, and as procedures—if they existed at all—lengthened. For a long time Legal History has placed tremendous value on the study of court records and those interrogatory products of the aforementioned epistemic shift. One frequently finds noted how often interrogated peasants or citizens answered with variations of ‘I do not know’ to the judge’s or his officers’ questions. But seldom was this systematized and linked to the contemporary development of the legal discourse of *ignorantia* in its many forms. Seen as part of a history of ignorance, these secular shifts within the legal and court system studied since the beginning of legal history reveal an astonishingly and somewhat paradoxical process of constant triggers and responses of ignorance, from the point of the one who judges to the one who gives testimony and who is judged.

In both fields, the information sought was operative, usable, and applicable as a parameter in a decision-making process. In the case of the legal system, this was connected to a higher form of truth, a truth finally only owned by God, the last judge. It seems that the philosophical parallel to this higher, less applicable form of truth that one just aims for as a purpose on its own, is the search for ultimate truth and wisdom. The late Enlightenment provides us again with a surprising instance of the extent to which philosophers could stretch and push an analogous form of reasoning about the last and final seat of possession of knowledge. As the contribution of *Andrew McKenzie-Mcharg* shows, secret societies, starting with the Freemasons, developed a para-institutional discourse about the ‘unknown superiors’, their identity, their quasi constitutional form—all that in a seemingly secularized parallel to the *Deus absconditus*. There were supposed to be unknown superiors governing the secret society,

and its members rising in its ranks achieve an always higher position and greater knowledge, but always remain ignorant of the identity of those superiors who even never can be known. It is as if a rhetorical or logical playful figure of thought had been transformed (impossibly) into an institution. But this was actually meant seriously. Political, legal and philosophical epistemic settings dealing with ignorance thus tend to anthropomorphize the target endpoint of the epistemic process itself. And insofar the process is logically endless, those forms of the god-like ruler, the God replacing judge, the unknown superiors as the ultimate possessors of knowledge, serve as regulatory principles, targets and even as compensations for what is unreachable in this world.

3 Problems of Historicization

While several historical specificities have already been indicated above, the first section mostly served to consider the range of questions, the dimensions of a History of Ignorance. Some short methodological remarks shall follow that consider the problems of historicizing instances and processes of ignorance, more specifically for the late medieval and early modern examples chosen here.

3.1 Measuring Ignorance

Instances of explicit and conscious forms of ignorance, regardless if the term itself was used or a paraphrase, are—at least at first glance—easily approached by a history of ignorance. Attention and hermeneutical sensitivity for the context and notions used have to be applied and can reveal many new insights as neither many case studies nor even a comprehensive history of the notion of ignorance/ignoring in its practical dimensions exists. But the methodologically more challenging question is how to deal with the many cases in which the historian uncovers instances of unconscious ignorance (*nescience*) in a long period before, by way of an epistemic shift, or other ruptures and developments. Usually the historian detects a historical state of *nescience* by explicitly or implicitly ‘measuring’ the past forms of communication—usually with standards that are commonly acknowledged to be later developments of earlier models. A genealogical link is presupposed. The contribution of *Adam J. Kosto* concerning the history of medieval documents of safe conduct provides a very strong example, placing such texts at the beginning of histories of identities, of passports and visas. But a closer look at the documents themselves shows that this genealogy raises some problems. A document produced for purposes of identification answers the problem that A does not know if B is B and that A has the right to determine that and that there are several

consequences linked to that (such as the granting of rights by A to B or the recognition by A of rights of B accorded to him by a third). Passports (and their associated visas) use for this all kinds of representative language and pictorial signs. But Western medieval safe conduct documents apparently contained nearly no description, almost no use of physically descriptive language was made. While we still must suppose that the documents were produced at least partially for the same purpose of identification—and then of stating that B has several rights to safety—the document alone was unable to prove that B *was* B. If the safe conduct document was stolen by C, no mismatch between the descriptive content of the letter and its bearer would be evident. This seems to be an effect of the well-known character of Western medieval scripturality and of its culture of letters in particular, making the bearer more important than the letter. The carrier of the letter would reveal orally most of the information; the letter often was rather a ceremonial item referring to that oral presentation (cf. the typical clause ‘Alia nova, que in partibus nostris habentur, lator presentium vobis ore tenus explicabit.’).³⁹ This might have well worked with a newsletter, but it is hard to understand how that functioned effectively for a safe conduct document. It leads to complete auto-referentiality (This letter grants safety to B, who B is will tell you the carrier of this letter who is B). The otherness of the Middle Ages enters here in a striking way, and Kosto points to the fact that the very genealogy of medieval safe conduct documents and passports might be a misleading idea. For a history of ignorance, this otherness is important in many ways. First, it reminds us that the historian has to be careful not to take (seemingly) isomorphic objects and conditions to be homologous, even in a genealogical way, with later ones. As in this case, the empty spaces marking a *terra incognita* in fifteenth century maps are perhaps isomorphic, but not homologous with the highly reflective forms of explicit empty spaces accompanied by explanatory discourses of French Enlightenment cartography (contribution *Lucile Haguet*). To understand how medieval travelers and defenders of a city’s or a territory’s security operated under those conditions

39 Schubring K., “Der Brief Konrads von Lützelhardt an seine Mutter. Erläuterungen und kritische Edition”, *DA* 51 (1995) 405–432, here 428; Hoffmann H., “Zur mittelalterlichen Brieftechnik”, in Repgen K. – Skalweit S. (eds.), *Spiegel der Geschichte. Festgabe für Max Braubach* (Münster: 1964) 141–170, here 147. The extensive use of the descriptive narrative, and therefore the emergence of a distinctive genre of newsletters or letters with news, was a late arrival in the medieval literary culture, arriving mostly only after the Aragonese paper revolution around 1300, cf. Zwierlein C., “Gegenwartshorizonte im Mittelalter: Der Nachrichtenbrief vom Pergament- zum Papierzeitalter”, *Jahrbuch für Kommunikationsgeschichte* 12 (2010) 1–58.

of prevailing ignorance in terms of the unavailability of identificatory descriptions, the historian will have to describe the contexts and actions with the help of other documents and he would probably do very well heuristically to ignore modern-day passports and visas as much as possible. The problem is the ascription by historians themselves in terms of the deficit. One might well suppose that if the medieval world functioned in such a state of nescience and non-use of descriptive passports, then it worked, full stop. The attempt to describe the character of that nescience active in the medieval world is, necessarily, in itself a modern question. One can try to describe various forms of oral communication, of signs, of ceremonial importance and how a higher value was placed upon the very possession of things, perhaps as functional equivalents to later forms of identificatory communication.

In this way, nescience only becomes visible by measuring it against a scale of explicit ignorance or even against a scale of knowns or know-hows. One might therefore formulate the simple but important rule that this unavoidable form of measurement, usually of an inter-cultural or an inter-epochal comparison, should always be done as clearly and explicitly as possible. Moreover, those different forms of a history of explicit ignorance and of forms of nescience are interconnected. The case study by *Giovanni Ceccarelli* shows how, on the one hand, no better instance of a new terminological specification of an unknown (the unknown future of a hazard destroying a ship) was achieved in a highly explicit way within late medieval trade, coining the famous term of *risico*. On the other hand, there is complete consensus in scholarship that the merchants acted for centuries in a state of nescience concerning all higher forms of mathematical probabilistic accounting techniques, as those were only developed in the late seventeenth century (Huygens, Pascal etc.). Techniques of coping with non-knowledge and nescience are intertwined. The historian then can first develop a statistical prosopographic approach to show that behind the black box of nescience there was apparently something like an obfuscated illiterate form of ‘crowd know-how’ among a group of experts regarding how premiums should be determined—as Ceccarelli shows us. In a very similar way, as the study by Smail reveals, it seems that the late medieval experts of value estimation in pre-instrumental times developed such a ‘know-how’ or what is called tacit knowledge,⁴⁰ although direct answers to questions about sizes and

⁴⁰ For a reconstruction of how Polanyi’s early concept of ‘tacit knowledge’ that integrates the Peircean semiosis into the understanding of how much implicit knowledge is needed, active and expressed in communication, and was transferred into the sociology of knowledge—the ‘tacit know-how’ adduced above—cf. Zappavigna M., *Tacit Knowledge and Spoken Discourse* (London – New York: 2013) 1–43.

values in court records still very often contained an explicit ‘I do not know’. The historian can reconstruct the existence of experts’ know-how only by statistical induction from many cases; no explicit model to guide the process were worked out, or at least they left no traces. Both are similar to the prior example of the medieval functional equivalents to later identificatory communication. But reconstructing ‘tacit knowledge’ is at once necessary but not sufficient in all cases to show how things worked nevertheless. It is often unclear whether tacit knowledge or ignorance was prevailing. The tacitness itself might be sometimes a welcome formula to stop investigating into *how* it worked. The interest lays in accepting and understanding these coexistent conscious and unconscious forms of past ignorance. A history of ignorance can be just an approach to investigate them and to make them visible by avoiding the necessity of framing them within the narratives of genealogical precursorship. If people managed for centuries to live and work with those intersecting forms of ignorance (as we do in our own time with different forms), the historian’s answer cannot always be simply that ‘they did not yet know...’. The question must be how they did not know, how they even successfully ignored matters.

3.2 *The Epistemic Shift to Empiricism*

The history of the notion of ignorance is not a major focus of this volume, but a short and necessarily unexhaustive and imperfect look at it may serve here to illustrate one major methodological point that affects most of the contributions and their combination spanning from late medieval to the end of early modern times: the shift to empiricism.

Medieval scholarly discussions of *nescientia* and *ignorantia* mostly concentrated on these concepts as a problem of moral theology and law, receiving and developing here the mixing already achieved between the Greek—mostly Aristotelian—philosophy of the relationship between will, conscience and action and its legal treatment crystalized in the Justinian *Corpus iuris*, most prominently in the title Dig. 22, 6. The basic terminological difference between the ignorance of the law that ‘hurts’ (that is not excusable) and the ignorance of the fact that can serve as excuse in a legal procedure was a major distinction that recurred frequently.⁴¹ In the Aristotelian framework, the problem of ignorance was far less worked out in relationship to the theory of cognition and the

⁴¹ Winkel L., *Error iuris nocet: Rechtsirrtum als Problem der Rechtsordnung*, vol. 1: *Rechtsirrtum in der griechischen Philosophie und im römischen Recht bis Justinian* (Zutphen: 1985); Cerami P., “Ignorantia iuris”, *Seminarios complutenses de Derecho Romano* 4 (1992) 57–85. It is important to note that during the whole process of reception, the notions of *error* and *ignorantia* were constantly interwoven.

methodology of science, than in the context of the theory of action and the question of how lacking knowledge (*agnoia*) affects human action.⁴² The scholastic theory of the scientific method and cognition would therefore usually start with the basic deductive scheme that the human reasoning can only proceed from knowns to grasp the unknown, distinguishing in introductory passages between the human form of cognition constraint to the *discursus*, then proceeding step-by-step, while only God, and—a bit less—the angels dispose of the *intellectus*, the immediate cognition of the truth.⁴³ As God's knowledge was perfect, encompassing all dimensions of past, present, and future, it was absolutely stable. There could be no increase and no decrease, and reflections about a *nescientia Dei* would be a *contradiccio in adjecto*. The methodology of the human rational process of cognition concentrated on the safe way to direct that necessarily imperfect (as human) form of step-by-step reasoning and therefore focused on the perfection of syllogistic reasoning, highly differentiated in late medieval supposition logic. It was an enrichment in an involutive way within the same directions. Even the late medieval schools that started to move away from the deductive principle but still within the Aristotelian framework (Zabarella, Nifo, Pomponazzi) did not work out more sophisticated reasoning about the opposite of the knowledge, of ignorance, because even the combination of induction and deduction in a double *regressus demonstrativus* could still concentrate on the perspective of the singular thinking human.⁴⁴ The major field where related problems were dealt with was instead speculations about contingency and debates over *de futuribus contingentibus*, and here a line of reasoning about the borders between the knowable and the

⁴² Aristotele, *The Nichomachean Ethics*, 110b27–111a1.

⁴³ The best short overview on the reception of the pseudo-Dionysien 'dihairein' as the 'discurrere/discursus' in not always systematic opposition to the 'intellectus' is the editors' introduction in Thomas Aquinas, *Expositio libri posteriorum* (*Opera Omnia*, tom. 1 2, ed. Fratres Praedicatorum (Rome – Paris: 1989), vol. 1/1, Z. 46–48 (= p. 4s.)); cf. also Böhler D. – Gronke H., "Diskurs", in *Historisches Wörterbuch der Rhetorik* 2 (Stuttgart: 1994) col. 764–819.

⁴⁴ Randall J. H., *The School of Padua and the Emergence of Modern Science* (Padua: 1961); Kristeller P. O., *La tradizione aristotelica nel Rinascimento* (Padua: 1962); Wallace W. A., *Causality and Scientific Explanation* (Ann Arbor: 1972); Garin E., *Aristotelismo veneto e scienza moderna* (Padua: 1981); Olivieri L. (ed.), *Aristotelismo veneto e scienza moderna*, 2 vols. (Padua: 1983); Olivieri L., *Certezza e gerarchia del sapere. Crisi dell'idea di scientificità nell'aristotelismo del secolo XVI* (Padua: 1983); Jardine N., "Epistemology of the Sciences", in Schmitt C. B. et al. (eds.), *The Cambridge History of Renaissance Philosophy* (Cambridge: 1988) 685–711.

unknowable was always in sight.⁴⁵ But the terminological development of nescience/ignorance happened almost exclusively within the aforementioned fields of moral theology and law. Here the epistemic background of what was treated as a normative problem remained obfuscated.⁴⁶ This becomes evident if one considers how more recent legal history has tried to reconstruct the socio-political context of the genesis of the passages and fragments in Republican and then Roman imperial times that were later codified in the Digests. It seems that the different variations of the *ignorantia-iuris-nocet* sentence entered the Roman jurisprudential, pretorial and legislative system first of all from a Republican perspective of basic social pedagogy. Later the institutional arrangement between the imperial chancery, and a highly developed specialization of advocates and jurisprudential sophistication—which made it impossible that an untrained *cives* ‘just’ knew all laws—have their decisive impact on that concept. Although in Republican times, it was thought to belong to civic culture and obligations that the laws of the Republic had to be molded, even taught by the *pater familias* and by the *cives* to its clients, in the later imperial and more institutional era, the obligation to know the law was counterfactually upheld and delegated. One was obliged to know the law in all its intricate complexity, comprehensible only to legal specialists, but the individual had to ascertain his legal situation by himself through the use of the representatives of this legal and jurisprudential system.⁴⁷ These historical contexts were not available to a pre-humanist medieval examination of the codified norms.⁴⁸ The socially relative connotation of ignorance (ignorance/knowledge relative to a given environment, to a stratified or an emerging functional differentiation of society) was lost, and the terms became absolute. Those current re-contextualisations remind us of the empirical realities of knowledge distribution and of the problem of how one can, and to what degree, reprehend someone for a defect in his or her knowledge, if that knowledge system was already so complex that only specialists could claim to master it. In medieval times these socio-epistemic problems were transmitted only in

⁴⁵ Cf. e.g. Bowlin J., *Contingency and Fortune in Aquinas's Ethics* (Cambridge: 1999).

⁴⁶ Hedwig K., “*Agere ex ignorantia*. Über die Unwissenheit im praktischen Wissen bei Thomas von Aquin”, in Craemer-Ruegenberg I. – Speer A. (eds.), *Scientia und ars im Hoch- und Spätmittelalter* (Berlin – New York: 1994) vol. 1, 482–498, here 491.

⁴⁷ Cerami, “*Ignorantia iuris*” 69, 77–78.

⁴⁸ On the late emergence of historical reading of the Roman law cf. Gilmore M. P., *Humanists and Jurists: Six Studies in the Renaissance* (Cambridge, Mass.: 1963); Troje H. E., *Graeca leguntur. Die Aneignung des byzantinischen Rechts und die Entstehung eines humanistischen Corpus iuris civilis in der Jurisprudenz des 16. Jahrhunderts* (Cologne – Vienna: 1971); Idem, ‘*Crisis digestorum*. Studien zur historia pandectorum’ (Frankfurt a.M.: 2011).

embryonic form in glosses to legal texts where they appeared mostly in historically later fragments, as with Labeo. Instead of that, we find a precise and logical distinction between different notions and forms of ignorance with nearly every scholastic author that reasoned about moral theological problems, among whom Thomas certainly achieved important canonical status.⁴⁹ One might say that for all distinctions of the notion of ignorance that concern basic individual human action, that is the ‘actor’s perspective’ in current terminology, one could easily replace the terms taken above from twentieth century sociology with those from Thomas without any loss of precision. Nescience (*nescientia*) is simply the complete absence before and beyond the moral discourse about its sinfulness (*simplex negatio scientiae*). But every ignoring is finally considered to be a voluntary act from the perspective of moral theology. Ignorance then is the privation from science (*privatio scientiae*) in a defective form of will, unwilling (*involuntaris*), or in several forms of wilful ignorance according to the degree of active voluntary concentration on the not-knowing a) *ignorantia voluntaris directa*, b) *ignorantia voluntaris indirecta* (he defined it with the adverb *directe/indirecte*) the latter meaning ignorance through negligence—*ignorantia per negligentiam contingens voluntaria*—and c) purely accidental ignorance, which can nevertheless entail sin: *ignorantia voluntaria per accidens*.⁵⁰ Current sociology certainly does not reason in terms of ‘sin’, but the question of conscious, unconscious, willed, unwilled, and of the ‘negative (non-)knowledge’—something ignored, of which someone knows that it is knowable but he or she decides it to be unimportant—as discussed today are all quite easily translatable into Thomist terms. This serves again as a reminder that the application of a terminology to the historical objects as such can lead to an ahistorical static form of history. The scholastic thinkers took several of their terminological distinctions from Roman law, just as Roman law had been partially influenced by Greek philosophical thought. Canon law received it

49 Hedwig, “Agere ex ignorantia”; cf. for instance the application of the already traditional distinctions between *nescientia simplex*, *ignorantia erronea* and a threefold distinction of the relationship between ignorance and sin, as well as the reception of the ‘*ignorantia facti*’, not citing the Digests, within the question of whether Adam’s original sin was committed through ignorance (Duns Scotus, *Ordinatio II*, Dist. 22 unica = *Opera omnia*, vol. III/1, ed. G. Lauriola (Alberobello: 1998) 1149–1150). Even if ignorance could be ‘invincible’ as a legacy of man’s corrupt nature, it would not excuse the sinner, as was maintained by the Sant’Ufficio against Jansenists as late as 1690, cf. Delhaye P., “L’ignorantia iuris et la situation morale de l’hérétique dans l’Eglise ancienne et médiévale”, in *Études d’histoire du droit canonique dédiées à Gabriel Le Bras*, 2 vols. (Paris: 1965) vol. 2, 1131–1141, here 1139–1140.

50 Cf. Thomas Aquinas, *De Malo*, quaestio III, art. 7 et 8 (ed. R. Busa, cf. www.corpusthomisticum.org).

likewise, not only in the parallel passages on procedure and excuse, but also as a more pragmatic problem of deficiency, as conditions to be checked with the clerics and even as punishable crimes (a bishop ignorant of the scriptures and a *clericus illiteratus* are problems canon law had to deal with).⁵¹ This level of ignorance, just as human vice and deficiency, is different from the *ignorantia-facti*-problem with which the more general epistemic question of acquisition and distribution of knowledge was at least associated, even if obfuscated by its normative treatment. When the famous Baldus de Ubaldis, who usually concentrated on civil law, offered some rare comments on Canon Law and the problem of *ignorantia* around 1400, we see how all those fields of academic reasoning were interwoven. He certainly cited canon law in his remarks, but for the most part referred to the basic norms of the Digests, and to the scholastic tradition of moral theology, especially Bernard.⁵² The most sophisticated reflections on ignorance in late medieval times, the concept of the *docta ignorantia*, elaborated so admirably by Cusanus, excelled at linking the problem of ignorance to the general problem of cognition, but otherwise remained in the preformed framework set out by the already mentioned basic distinction between human ratio *per discursum* and the absolute momentary and total *intellectus* only possessed by God. It also only concerns one object of knowing, God (with the subordinated problems of knowing God's name etc.). The paradox of learned ignorance refers to man's necessary imperfect step-by-step approach toward the intellect's target 'object', God, while also knowing its ultimate impossibility. The follow-up paradoxes of God as the absolute intelligible but at the same time the absolute unintelligible are well illustrated in the image of a man looking into the sun. There is no question that the sun is the most intelligible, brightest light at all, but looking into it is impossible; the eye is too weak and has to be closed. The sun as sun therefore remains unintelligible to the eye even if it is the most intelligible object.⁵³ This brought Cusanus,

⁵¹ Lottin O., "La nature du péché de l'ignorance. Enquête chez les théologiens du XII^e et du XIII^e siècle", *Revue Thomiste* 37 (1932) 634–652, 723–738; idem, "Le problème de l'*ignorantia iuris* de Gratien à Saint Thomas d'Aquin", *Recherches de Théologie ancienne et médiévale* 5 (1933) 345–368; Merzbacher F., "Scientia und *ignorantia* im alten kanonischen Recht", *Mittelalteinisches Jahrbuch* 2 (1965) 215–223.

⁵² Baldus de Ubaldis, "Apostillae ad mercuriales de Regulis iuris", no. 26 'Ignorantia'. For that rather atypical text of Baldus cf. Patrick J. Lally, *Baldus de Ubaldis on the Liber sextus and De regulis iuris; text and commentary*, vol. 1, Ph.D. dissertation (University of Chicago: 1992) 318f.

⁵³ Nikolas of Cusa, *De docta ignorantia I, De Deo abscondito, De docta ignorantia II, Apologia doctae ignorantiae*, in Idem, *Philosophisch-Theologische Schriften lat./dt.*, vol. 1, ed. L. Gabriel, D.-W. Dupré (Vienna: 1964) 191–591, here 542 (for the metaphor of the sun).

as others, close to mystical experience as brief embraces of the unknowable.⁵⁴ The early humanists from Petrarch to Agrippa, with their tradition of reasoning about their own ignorance and the *vanitas scientiarum (humanarum)* are insofar a different form, as here, the question was not how the gap between *discursus* and *intellectus* could be transcended concerning the one object ‘God’, but as the more technical methodological problem of cognition and the production of scientific knowledge were concerned. They openly rejected Aristotelian deductionism which, in the very end, always leads to a prior knower, the master Aristotle or Plato himself, as the progress from knowns to unknowns had to start somewhere, necessarily with a known taught by an ultimate teacher.⁵⁵ It was not yet replaced by a new hermeneutics, but, and insofar similar to the humility of Cusanus, with the Christian’s modesty and self-restriction to adore God who is, in the end, the creator of all that man can only imperfectly understand.

There is no question that the seventeenth century shift to empiricism altered these conditions. And because Bacon, Pascal and Locke are so well known for it, and as the already existing literature on historicizing ignorance always refers to them, there is no need to present here an exegesis of Locke’s chapters on ignorance, in which he coined the famous term ‘the dark side of knowledge’.⁵⁶ It is now not the *umbra veritatis* of scholastic and post-scholastic thinkers who often applied the metaphor of light and shadow to the problems of knowledge, truth and its opposites—because human truth is defective and

54 Duclow D. F., *Masters of Learned Ignorance: Eriugena, Eckhart, Cusanus* (Aldershot: 2006) 184, 317; Dupré L., “The Question of Pantheism from Eckhart to Cusanus”, in P. J. Casarella (ed.), *Cusanus: The Legacy of Learned Ignorance* (Washington: 2006) 74–88 for Cusanus’s concept of the knowability of God depending on Master Eckhart.

55 Petrarcha Francesco, *De sui ipsius et multorum ignorantia*, ed. E. Fenzo, lat./ital. (Milan: 1999) 216.

56 Locke John, *An Essay Concerning Human Understanding* [1689], ed. P. H. Nidditch (Oxford: 1975) IV, 3, §§ 22, 24, pp. 553, 555. The §§ 22–27 in the chapter “Of the Extent of Humane Knowledge” represent something like a theory of ignorance within Locke’s cognitive theory. An earlier parallel to that are several fragments in Pascal Blaise, *Pensées* [1670], ed. M. Le Guern (Paris: 1977–2004) especially the famous n. 185 on the two infinities of science, but also n. 77 and other fragments. Contemporary philosophy of science often refers to those reflections by Pascal, e.g. on ‘knowledge’ as a ball and the question, if then the border of ‘ignorance’ equates with the size of the surface or of the diameter of the ball, cf. Mittelstraß J., “Gibt es Grenzen des Wissens?”, in Idem, *Wissen und Grenzen. Philosophische Studien* (Frankfurt a.M.: 2001) 120–137.

therefore only a shadow of God's.⁵⁷ With Locke, the pure logical other side of (human) knowledge gained empirical heft. The empiricist shift made morally indifferent ignorance—what would have been Thomas' *nescientia* in which he was largely disinterested—an object of its own concern. Now, the questions of its shape, its size, the proportion of its development and potential growth in relationship to its twin, knowledge, emerged. This entailed a methodology of distinguishing between kinds of ignorance, delimiting and crafting the frame of ignorance(s). One therefore had to devote distinct chapters to 'ignorance' in theories of cognition and methodologies of how reason can progress. In so doing, empiricism reified 'ignorance'—in different terminologies—as subject and object of knowledge production itself. The above mentioned reflections on its size and speed of its growth implicitly refer to a concept of collective knowledge production and science, where the question is not how one human can know and learn, but where the subject of knowledge production is, so to speak, humankind, regardless of if one member really knew everything in his discipline or not. Furthermore, the increase and possible decrease of knowledge/ignorance was thought of in secular terms and, first implicitly, only later explicitly, as open-ended. Pre-Darwinian botanists like Linnaeus still thought the number of species to be discovered as strongly limited by God at the moment of creation.⁵⁸ Reasoning about biology's unavoidable ignorance of the majority of all biological species in the world, as we are used to today,⁵⁹ were certainly not possible even in the later eighteenth century. But despite such a still prevailing imagined finite nature of the progress of science, it's daily and closer future horizon opened up with the empiricist turn.⁶⁰

57 'Veritas corporis temporaliter contracta est quasi umbra veritatis corporis supertemporalis' (Nicolas of Cusa, "De docta ignorantia II" 470).

58 Lepenies W., *Das Ende der Naturgeschichte. Wandel kultureller Selbstverständlichkeiten in den Wissenschaften des 18. und 19. Jahrhunderts* (Munich – Vienna: 1976) 52–77; Koerner L., *Linnaeus: Nature and Nation* (Cambridge, Mass.: 1999) 45.

59 Because we think firstly the overall number of species is far too large to ever be calculated by the limited human resources of the planet's specialized botanists, and secondly—and logically far more important—because the observed object itself changes by the laws of evolution, that observation is impossible—species dying out before ever being seen, others developing.

60 It is impossible to cite all the major works in the History of Science here, but cf. on the progressivist impulse of empiricism Rouvillois F., *L'invention du progrès, 1680–1730* (Paris: 1996) 75–82; Licoppe C., *La formation de la pratique scientifique. Le discours de l'expérience en France et en Angleterre (1630–1820)* (Paris 1996) 30 and passim on the link between the epistemic turn and experiment/experience, the formation of a community of experimentalists and 'progress', and the classic works on the institutionalization of empiricist

While not being a core problem of this volume, the shift to empiricism certainly affects many of its contributions as a latent and hidden force. That development and those shifts should be recalled here for comparing it with the fields studied in this volume and the relationship between non-empiricist and empiricist approaches beyond the field of science—itself, for sure, markedly changing from a world of *trivium/quadrivium* university organization to early modern differentiations. Many of the problems treated here concern, for instance, empiricist or at least empirical turns before and beyond scientific methodology. The shift to inquisitorial investigation created a practical field of interrogation and knowledge production that was, in its way, empiricist *avant la lettre*. The distinction between specialized spheres of law—the law of merchants, but also of local customary law for instance—that arose in medieval times gave rise to a myriad of empirical relationships between knowledge/ignorance that superseded normative categories of cases under existing law. Late medieval financial administration, taxation, early forms of population estimation, notation and accounting, the early ‘mathematization’ of urban culture and trade presented here, and merchants’ practical ‘expert’ knowledge (cf. Daniel Smail’s contribution) are all empirical in their practice, albeit institutionalized, even somehow empiricist, beyond a theoretical discourse that would have accompanied them.⁶¹ This means that for medieval times one either concentrates on the prefigured manifestations of speculative or moral treatment of ‘ignorantia’, or one largely applies questions and terminologies which have themselves developed, shall we say, from Locke to Merton and beyond, in other words, with a clearer cognitive distance between language of description and that of the sources. For early modern times, the situation is different, the later the more recursive. Certainly, descriptive language and thoughts about empiricist ‘ignorance/knowledge’ remained usually more restricted to or appeared first within one subfield of society—science/academic philosophy—while other fields remained unaffected for a long time, as in medieval times. But for those fields in which empiricist theory began to inform practice, the historian’s task becomes a new one, insofar as the question must be how a specific form of empiricist theory (Bacon … Lavoisier) had

researchers which enhances the collectivization of science’s enterprise—quasi representing the most knowledgeable part of ‘humankind’—in a practical way, Shapin S. – Schaffer S., *Leviathan and the Air-Pump: Hobbes, Boyle, and the Experimental Life, with new Introduction* (Princeton: 2011); Brian É. – Demeulenaere-Douyère C., *Histoire et mémoire de l’Académie des sciences. Guide de recherches* (Paris et al.: 1996).

⁶¹ Cf. Feller L., “Sur la formation des prix dans l’économie du haut Moyen Âge” *Annales. Histoire, Sciences, Sociales* 66 (2011) 627–661.

a specific shape and prevailing assumptions about how to cope with unknowables and ignorance that had an impact on the overall outcome of the scientific, administrative or economic process in question.

Briefly put, the Middle Ages were characterized by a parataxis of a realm of practice involving tacit forms of coping with ignorance on the one hand and of moral theology and canon law theories of *ignorantia* restricted mostly to clerical circles and largely contemplative in character on the other. The Early Modern era, while inheriting terms and partially the semantics of ignorance from those times, witnessed the development of different kinds of theoretical reasoning. There was a continuity of the normative form with many sub differentiations embedded now as guiding norms of judgment into the framework of territorial and church courts and other institutional bodies, such as the Inquisition, penitentiaries etc. Another general level of theory emerged concerning universal empiricist theories of memory and forgetting—of whole civilizational achievements, but also in terms of the individual and smaller collective processes. Mid-term ‘theories’ of administrative, political and economic practice arose in which dealing with unknowns and ignorance became a part of the approach. Practice itself—from the merchant communication system to state administration—underwent significant ‘scripturalization’. The state and other institutions became themselves actors in the empiricist shaping of their own territories, their people, and the world. Decision-making processes became ingrained within written communication, and along with that, the distance between ‘theory’ and ‘practice’ itself shrank. As the contributions of *Fabrice Micallef, Moritz Isenmann, Eleonora Rohland, Marie-Laure Legay* show, mémoires and advisory texts on political affairs, on state finances, means of security production regarding natural hazards or on the balance of trade as a whole oscillated between carefully formulated theoretical compendia and the everyday work of advising, counselling, and controlling the decisions to be taken. Awareness of uncertainty, incompleteness of knowledge, and the lack of data, came to be seen as a problem from the bottom-up perspective of looking for solutions for empirical problems and questions rather than from the top-down view of the human intellect’s capacity for rational reasoning. It becomes more of a functional problem to be coped with and to be solved, instead of a moral deficit to be condemned. As such, this is very well established and research can only proceed slowly in investigating more deeply new parts of that process—no one here claims to re-discover old processes such as ‘state formation’, ‘institutionalization’ and so forth. But the perspective on ignorance and unknowns, in this wider dimension, still seems far less present in the relevant studies. The major shifts involved can only be *represented* here, in a few pages, by that parallel shift on the level of notions and concepts, but this is

not the whole. Instead, for each part of society, for each individual process of institutionalization, the focus is on how unknowns were coped with, how they were specified, conceived and theoretically framed, all of which should grant new insights. At least in what has been read by the group of contributors here, this subject still seems largely un- or underexplored, perhaps sometimes mentioned on an isolated page in a book or article, but seldom raised to a more generalized point of view.

3.3 *Conjectures and Cycles*

A third interesting methodological problem is whether given processes and developments of specifications of ignorance, of developing coping methods, of partially transforming ignorance into knowledge, have shapes and structures in themselves that can be studied and potentially compared for each discursive and social context, looking for specific economic, cultural, religious, political types of communication, embedded or not in institutional settings, through time.

One could even use the approach of a history of ignorance on a very general level, thinking of a history of Humanism, of the Renaissance, of the Reformation, of the European Expansion, later of the Enlightenment as histories of a part of society collectively becoming aware of ignorance(s), which sets off the major processes known under those names. One could identify structures, beginnings and ends of those processes—as we are already used to doing, more by tradition and intuitively, less often by precise definitions of what distinguishes ‘early’ from ‘late’ humanism or Enlightenment on an epistemic level. This would indeed be interesting, but cannot be the question for this volume, and only the author of a monograph carefully re-reading well-known authors and sources in that new direction could work out such a scheme and avoid the temptation and threat of just writing a new narrative of the ‘History of ignorance’, using the relevant terms in his language of description.

But beyond and within those greater constellations, one can focus on distinct problems, on specific ways of coping with ignorance and even on one theme or question dealt with by relevant late medieval and early modern figures. One can focus on attempts and techniques worked out to deal with uncertainty and ignorance and ask if they produced by themselves a typical cycle, starting with a surprise, a ‘revelation’, and a consequent transformation of unconscious nescience into specified ignorance, triggering then an attempt that uses that specification for framing the gathering, collecting, organizing and ordering of ‘knowledge’. And one might pay specific attention to the question of the end of those cycles, to the emergence and decline of institutional settings and even of systems of knowledge management, shaped by well specified ignorance,

linked just to one person organizing such an early modern system or a network of knowledge and information. This is sometimes handled as problems of knowledge loss and as a by-product of institutional breakdowns.⁶² Not seldom in early modern administrations, an impetus to reform and react quickly slowed down when the immediate threatening experience vanished. From the point of view of non-knowledge cycles, the question would be, to put it paradoxically, how ignorance becomes ignored and forgotten. Although each such process of reform usually starts with surprise and an awareness of lacking a piece of necessary knowledge for a given problem, for many reasons—e.g. inadequate resources, a change of generation—, the initial problem fades from people's attention and the awareness of that ignorance likewise fades away.⁶³ Other such 'mediate level' forms of (non-)knowledge cycles would be the use of specifically early modern queries and the attempts to find answers to them, for example, directions for scientific voyages or the production of the state's knowledge about itself. Such activities typically created a huge amount of data which had to be ordered and classified according to this form of specification of ignorance. Subsequently all that data could become obsolete as new forms of what is ignored and what should be known become dominant and are realized; a new process starts with each new specification.⁶⁴ Claims and polemical attacks—the most 'bloody' European battlefield was the confessional one—could reveal ignorance—on the truth of a theologoumenon's presence in ecclesiastical history, for instance, the early Church's episcopal structure right from the beginning—on both sides, eventually leading to a century-long process of investigation into new manuscripts, testimonies, and passages in scripture. However, that process could have an end due to external as well as internal reasons—external insofar as the problematic constellation could dissolve, internal insofar as research into possible sources reached an end or that—more unlikely—a question was recognized as being resolved.

62 Burke P., "Reflections on the Information State", in Brendecke A. et al. (ed.), *Information in der Frühen Neuzeit* (Berlin: 2008) 51–64; Zwierlein C., "Diachrone Diskontinuitäten in der frühneuzeitlichen Informationskommunikation und das Problem von Modellen 'kultureller Evolution'", ibidem 423–453.

63 Some have tried to write histories of administrative dealing with natural disasters, occurring unforeseeably at indeterminate frequencies, as 'learning processes', but given the incredibly long periods covered and the many restarts 'at zero', the opposite question of how attained expertise became lost again, and how reiterated cycles followed one another, seems more appropriate for what happened in premodern times.

64 Stagl J., *Eine Geschichte der Neugier. Die Kunst des Reisens 1550–1800* (Vienna: 2002) and Collini S. – Vannoni A., *Les instructions scientifique pour les voyageurs XVII^e–XIX^e siècle* (Paris: 2005).

It would be very interesting to find structural similarities across the different epistemes but also specificities applying to one or the other for such processes. Some may have had that cyclical form, some may turn out to have been rather open-ended. What determined the speed, the dynamics, and the directions of those conjunctures and cycles of coping with ignorance, of shifts from ignorance to specified ignorance to (partial) knowledge? Do the dynamics of such movements evolve if one compares late medieval with early modern conditions?⁶⁵

4 Conclusion

For all the dimensions and problems of historicization of ignorance mentioned here, it is clear that no history of ignorance is possible if detached from a history of knowledge. In other words, no observation of the shadow is possible if there is no light somewhere. Therefore the claims of such an approach to open up a completely new field of research must be prudent and modest, as many, if not all objects, structures, and documents discussed in this volume are certainly already known to scholars in principle (certainly not the cases particularly studied). And yet, as the contributions assembled here, in addition to previous studies, show, the focus on the other, dark side of knowledge has long been neglected.⁶⁶ If these chapters would merely help future research consciously conceive of knowledge as an object of history that *always* has a dual nature of ignorance/knowledge, this would be a great achievement. If future histories of the early scientific academic movement, of knowledge processing in administrations, of information collection, transmission and news commu-

65 For such an attempt cf. Zwierlein C., *Imperial Unknowns. The French and British in the Mediterranean, 1650–1750* (Cambridge, Cambridge University Press: 2016).

66 Proctor R. N. – Schiebinger L. (eds.), *Agnotology: The Making and Unmaking of Ignorance* (Stanford: 2008) mostly concentrates on the specific form of wilfully suppressed knowledge or negative knowledge, close to censorship and taboos. Other contributions are situated nearly exclusively within the field of literature studies and philosophy: Adler H. – Godel R. (eds.), *Formen des Nichtwissens der Aufklärung* (Munich: 2010); Schäffner W., “Nicht-Wissen um 1800. Buchführung und Statistik”, in Vogl J. (ed.), *Poetologen des Wissens um 1800* (Munich: 1999) 123–144; Füger W., “Das Nichtwissen des Erzählers in Fieldings Joseph Andrews: Bausteine zu einer Theorie negierten Wissens in der Fiktion”, *Poetica* 10 (1978) 188–216; Spoerhase C. et al. (eds.), *Unsicheres Wissen. Skeptizismus und Wahrscheinlichkeit, 1550–1850* (Berlin et al.: 2009); Geisenhanslüke A. – Rott H. (eds.), *Ignoranz: Nichtwissen, Vergessen und Missverstehen in Prozessen kultureller Transformationen* (Bielefeld: 2008).

nication and all the other topics touched upon here, would take unconscious forms of ignorance into account, and consider the precise historical forms of how ignorance was specified by individuals and corporative bodies, scholarship would reap great benefit, because the far more common narrative is that of knowledge growth, of knowledge revolutions and explosions thanks to better and more and more powerful administrations, and by more powerful media such as the printing press. The reader might try him- or herself to re-read major standard accounts and even works of great depth in these fields looking for an explicit treatment of how unknowns were ignored by historical actors, looking for how much attention is paid to that other side of knowledge; usually these are just isolated remarks.

This introduction has tried to generalize themes and ideas present in the contributions of this volume, hopefully showing how they touch upon many problems of any history of ignorance. These points are so general that they concern many contributions at the same time (the dimensions of space, time, the cycles etc. naturally recur in many of them). The volume does not follow the structure of this introduction, but is organized by way of a more traditional clustering of common dominant themes and a chronological order within those groups. In so doing it becomes even clearer that every enterprise has its limits and selectiveness, as many possible themes, issues and authors are not present and cited—but how could it be otherwise, for ignorance is always more extensive than knowledge.

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PART 1

Law

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Law and the Uncertainty of Value in Late Medieval Marseille and Lucca

Daniel Lord Smail

The procedural laws that govern the workings of civil and criminal courts are designed to discover the truths of things that are unknown or uncertain. To this extent, the law has at least the appearance of being a science not unlike chemistry or physics, that is to say a domain of knowledge commanding a toolkit that allows its practitioners to discover the secrets of things otherwise hidden from view. The rise of forensics in late nineteenth-century European criminal law offers a paradigmatic case for this view of the law, for it created the possibility of detecting the author of a crime by means of wholly circumstantial clues such as fingerprints and, a century later, DNA evidence.¹ Where medieval Europe is concerned, the legal historical literature has long celebrated the emergence of institutions of criminal law, such as the inquest procedure or the grand jury in England, that were designed to discover proofs of guilt or innocence.² In continental Europe, the inquest procedure deriving from Roman-canon law, despite its sorry reputation as an enabler of the practice of judicial torture, relied to a large extent on witness testimony, at least in cases where the accused had not tacitly admitted guilt through being contumacious.³ The records show that judges carefully read the transcripts of cases, sometimes jotting down in the margins little notes that drew attention to clues that had a bearing on whether a witness's statements were reliable

¹ Ginzburg C., "Clues: Roots of an Evidential Paradigm", in Idem, *Clues, Myths, and the Historical Method*, trans. A. C. Tedeschi and J. Tedeschi (Baltimore: 1989) 96–125.

² Van Caenegem R. C., "La preuve dans le droit du Moyen Âge Occidental", in *La preuve. II: Moyen Âge et temps modernes*, vol. 2, Recueils de la Société Jean Bodin 17.2 (Brussels: 1965) 691–753; Green T. A., *Verdict according to Conscience: Perspectives on the English Criminal Trial Jury, 1200–1800* (Chicago: 1985).

³ Fraher R. M., "Conviction According to Conscience: The Medieval Jurists' Debate Concerning Judicial Discretion and the Law of Proof", *Law and History Review* 7, 1 (1989) 23–88; Van Caenegem R. C., *Legal History: A European Perspective* (London: 1991); Peters E., *Torture*, expanded ed. (Philadelphia: 1996); Langbein J. H., *Torture and the Law of Proof: Europe and England in the Ancien Régime*, 2006 ed. (Chicago: 2006).

and consistent with the truth.⁴ In cases of homicide, expert physicians were sometimes called in to distinguish lethal from non-lethal wounds. Through carefully measuring and assessing the wounds on the body, they were sometimes able to identify the blade whose wielder was responsible for the killing blow.⁵ Evidence such as this invites us to frame the rise of the law according to a simple teleology, where the ignorance supposedly characteristic of a previous legal order gradually gave way to a legal system that was able to pull back the curtains of ignorance.

As state-sponsored courts of law grew ever more vigorous and prominent in Europe during the later Middle Ages, however, unexpected things began to happen. Among other things, the practice of law created new barriers to knowledge as fast as it tore them down, for the law can be used not only to discover the facts but also to hide them. Where the themes of this collection are concerned, I shall argue in this contribution that the operations of the law took significant realms of nescience and transformed them into ignorance. By ‘nescience’, I refer to potentially knowable things that observers do not apprehend as facts because they feel no need to know them. By ‘ignorance’, I mean sets of potential facts about which observers currently lack information. Think of it as the difference between a database that is not yet a database because the fields have not yet been defined (nescience) and a fully ontologized database displaying a set of fields that are currently empty (ignorance). Following this analogy, the practice of law in the later Middle Ages inadvertently caused new fields of knowledge to take shape, and as they did, observers became aware of the facts that they did not know. This growing awareness of ignorance stimulated the development of legal and bureaucratic devices for collecting and storing the newly constituted facts, generating the bureaucratic states characteristic of the post-medieval political order.⁶ The operations of the law, according to this argument, produced the very forms of ignorance that procedural laws, forensic technologies, and governmental archives were subsequently designed to alleviate.

4 Smail D. L., “Aspects of Procedural Documentation in Marseille (14th–15th Centuries)”, in Lepsius S. – Wetzstein T. (eds.), *Als die Welt in die Akten kam. Prozeßschriftgut im europäischen Mittelalter* (Frankfurt a.M.: 2008) 139–169.

5 Shatzmiller J., “The Jurisprudence of the Dead Body: Medical Practition at the Service of Civic and Legal Authorities”, *Micrologus* 7 (1999) 223–230; Butler S. M., *Forensic Medicine and Death Investigation in Medieval England*, Routledge Research in Medieval Studies 7 (New York: 2015).

6 For a stimulating introduction to this field of study, see Scott J. C., *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: 1998).

Examples of this transformation abound in medieval records. In law courts that relied on the procedural law of the *ius commune*, for example, the law granted or deprived individuals of certain rights and privileges on the basis of attributes that were not easily discoverable and, from a nescient perspective, not really worth knowing.⁷ In some cases, such as age or date of birth, these attributes may be seen as being intrinsic to the individual but they are hidden from view, at least to medieval technologies.⁸ In other cases, the attributes are assigned by convention and are equally hard to know. Consider the uncertainty created in 1274 when the council of Lyon approved a canon, *Usurarum voraginem*, which called for the expulsion of foreign-born usurers from the jurisdictions of Latin Christendom.⁹ But how was the foreignness of someone to be known with certainty? Even more, what are the attributes by which we can positively know a manifest usurer? These classes of individuals did not emerge *ex nihilo*, for the words ‘usurer’ and ‘foreigner’ existed in European languages before the thirteenth century, but when the concepts came to be defined by canon law their ontological status changed from a linguistic convenience to a legal norm.

The state of ignorance regarding the category of usurer is palpable in witness testimony from late medieval Massiliote courts of law. In the course of an appeal lodged in 1334, for example, the appellant was attempting to demonstrate that an individual who had testified against him was a manifest usurer.¹⁰ If true, the status would have prevented the court from considering his testimony. The witnesses for the appellant’s claim, however, were very guarded in their responses to this claim. Responding to a question about whether the man was a manifest usurer or not, one witness, a woman named Guillelma Urbana, declared that she was ‘wholly ignorant’.¹¹ The distinction, as it happens, was crucial, since canon-law sanctions targeted manifest rather than private usury.

⁷ Related themes are covered in Groebner V., *Who Are You?: Identification, Deception, and Surveillance in Early Modern Europe*, trans. Kyburz M. – Peck J. (Brooklyn: 2007).

⁸ Age is important in many legal systems since children are both a protected and disabled class, and the threshold is defined in terms of calendar years. Parentage determines inheritance rights, among other things.

⁹ Dorin R., “Canon Law and the Problem of Expulsion: The Origins and Interpretation of Usurarum Voraginem (VI 5.5.1)”, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Kan. Abt.* 99 (2013) 129–161.

¹⁰ Archives Départementales des Bouches-du-Rhône (hereafter ADBR) 3B 28, fols. 29r–70v, case opened 12 July 1334.

¹¹ Ibidem, fol. 66v: ‘Si autem in veritate e [sic] ita vel non vel quod sit usurarius publicus vel oculus aliter quam supra testificatur dixit penitus ignorat factis sibi multis interrogatis circa contenta in ipso titulo’.

Guillelma's lack of certainty is understandable. Like the identities that have been discussed by other scholars, 'usurer' was not a bar-code that could be readily affixed to the foreheads of certain individuals.¹²

In this contribution, I would like to explore a concrete instance in which the practices of the law were helping to convert nescience into ignorance. The uncertainty addressed here concerns the value of things. Absolute value is not an intrinsic quality of an object. Like 'usurer', it is an attribute created by the workings of convention: in this case, the demands created by systems of exchange such as the market. On the market, the conventional nature of value is tacitly acknowledged whenever prices are allowed to fluctuate according to demand. But this is not a satisfactory state of being for the efficient workings of law and governance, as I hope to explain. In the first section, I shall describe how the operations of the law required the invention of a convenient fiction, which is that objects that make an appearance in legal processes bear fixed or absolute values. This fiction, in turn, exposed the ignorance of legal actors and therefore required the development of procedures and institutions for determining those values. Some of these institutions were tacit or unofficial. Using evidence provided by the process of debt collection, the next section will explore an example of tacit forms of value assessment that came to be embedded in legal procedures. Others were official, notably the municipal or governmental bureaus everywhere in evidence by the fourteenth century that were charged with the task of producing value estimates for tax purposes, bankruptcy proceedings, and other purposes. These are described in the third and final section.

The habits of estimating value discussed in this contribution were becoming essential to the functioning of law and governance in later medieval Europe. For economic history, this transformation is significant insofar as it demonstrates how the market was not the only force at work in the gradual process of commodification. The law, too, was busily at work creating an ontology of value, even though this ontology departed from that of the market. Where the study of knowledge is concerned, this transformation also offers an interesting case study of a move from nescience to ignorance and thence to the emergence of tools and instruments that were capable of acquiring, storing, and disseminating the necessary facts.

¹² See Zwierlein C., *Imperial Unknowns. The French and British in the Mediterranean, 1650–1750* (Cambridge, Cambridge University Press: 2016), especially the chapter 'Politics and Economics' on what Zwierlein describes as the 'constructive power of non-knowledge' concerning the national; Kosto A., "Ignorance about the Traveller: Documenting Safe-Conduct in the European Middle Ages", this volume.

1 Unofficial Estimates of Value

In legal records from the cities of Marseille and Lucca in the later Middle Ages, estimates of value were assigned to many kinds of things, ranging from fields, houses, and workshops, to foods, precious metals, bolts of cloth, animals, and objects. Estimates were invariably given either in one of the local currencies of account, such as the pound or the florin and their lesser units, or in terms of the value of coins in circulation, such as the grosso, the florin, the blanc, the robert, and many others. These habits point to the fact that by this period, the European economy had been thoroughly monetized, and monetary literacy was everywhere to be found.¹³

Estimates of value appear in many kinds of notarial acts, such as dowry acts, where they take the form of appraisals given to the articles listed in the trousseau.¹⁴ These appraisals were often applied to the entire assemblage of objects and given in the form of a very round sum.¹⁵ In some cases, the dowry contract assigned values to individual items such as immovable property, chests, fabric, clothing, and dress accessories. In a few cases, we get a glimpse of the mechanism that underlay the formation of these estimates. A dowry contract from Marseille in the year 1348 included vestments and clothing estimated at 100 *livres royales* in value, and according to the act, the assigned value was reached ‘by the common estimation of two friends of the parties’¹⁶

Estimates of value also appear frequently in registers produced by the courts of law, including registers of criminal cases, lawsuits, and debt collection. Witnesses were routinely asked to estimate their own worth so as to determine whether or not they were eligible to testify. In the case of many lawsuits, the estimate created the very ground on which the plaintiff’s claim rested.

¹³ Spufford P., *Money and Its Use in Medieval Europe* (Cambridge: 1988). On the habit of reckoning value using currency or other values, see Davies W., “Sale, Price and Valuation in Galicia and Castile–León in the Tenth Century”, *Early Medieval Europe* 11, 2 (2002) 149–174.

¹⁴ Most recently, see Lanaro P., “La restituzione della dote. Il gioco ambiguo della stima tra beni mobili e beni immobili (Venezia tra Cinque e Settecento)”, *Quaderni Storici* 45, 3 (2010) 753–778.

¹⁵ The custom of giving undifferentiated or global values for goods extended to the *estimes* made for tax purposes; see Rigaudière A., “Connaissance, composition et estimation du *mobil à travers quelques livres d'estimes du midi français (XIV^e–XV^e siècles)*”, in Biget J.-L. – Hervé J.-C. – Thébert Y. (eds.), *Les cadastres anciens des villes et leur traitement par l'informatique* (Rome: 1989) 54.

¹⁶ ADBR 381E 77, fols. 109r–110r, 15 Sept. 1348: ‘ad comunem extimationem duorum amicorum dictarum partium’.

Inheritance suits almost invariably started with an estimate of value of the estate in question. An example is provided by a suit lodged by a young woman in 1402 against her brother. According to the young woman's argument, her dying mother, in her testament, had assigned the girl a legacy of only 100 sous, and had given the rest to the brother. According to the plaintiff's estimates, the estate was worth 1,000 florins, and by law she was due to receive a third part of the inheritance.¹⁷ In other kinds of lawsuits, we find estimates associated with abstract things such as labour, damages, or injuries. A suit might include an estimate of the days of potential labour lost while an individual recuperated from a serious injury. This figure was then multiplied by the daily wage rate to arrive at a figure for total damages. Suits over the mistreatment or death of donkeys, mules, and horses that had been borrowed or leased centred on estimates of the loss in value of the animal. In a different vein, every insult was thought to cause damage. To pursue a suit over an insult, therefore, every plaintiff needed to translate his or her perception of damage into a monetary figure. It is vital to understand that none of these cases could even begin to proceed in the absence of an estimate.

Among the most common estimates were those attached to individual objects listed in lawsuits and debt claims. In the year 1407, to offer an unusual example, a complicated dispute made its way into Marseille's courts.¹⁸ The suit was initiated when Magdalena, a former slave originally from the Barbary Coast, sued her master, Peire Huguet, for unpaid debts. Peire countersued, arguing that she had never been manumitted, and claimed damages or expenses that included the loss of her own value.¹⁹ But what was she worth? To determine this, Magdalena, Peire, and one of the lawyers who was present at court were asked, on the spot, to appraise her value as a slave. Magdalena appraised her own value at 100 golden francs, or 50 florins. Her former master Peire, rather oddly, assessed her value at a mere 25 florins.

Numerous other contexts generated a need for an appraisal of goods, including theft, disputes over debts, reselling and auctioning, and pawnbroking. Lists of goods, with their appraised values, were often transcribed into court records. In a case from Marseille in February 1354, an immigrant from Florence named Augustin Peire was disputing a debt in arrears claimed by an Augustinian monk.²⁰ Augustin Peire claimed he did not need to repay the debt

¹⁷ ADBR 3B 138, fols. 29r–31v, case opened 17 Mar. 1402.

¹⁸ ADBR 3B 858, fols. 250v–251v, case opened 16 Aug. 1407 on fol. 178r.

¹⁹ Ibidem, fol. 203v: 'Et propter ingratitudinem suam tenetur ad restitutionem salvo iure servitutis cum numquam fuerit manumissa a dicto Petro nec eius nomine'.

²⁰ ADBR 3B 53, fols. 252r–254v, case opened 15 Feb. 1354.

because the convent already possessed goods of his—presumably items held as security for the debt—which were carefully itemized and appraised:

- One horse, worth 10 florins; its value has deteriorated to 6 florins
- One breast-plate, worth 4 florins
- Three great tablecloths in the French style, worth 3 florins
- One pair of plate gauntlets, worth 10 sous
- Three medium-sized pavises, worth 1 florin
- Three bowls, worth 1 florin
- One small cask, worth 20 sous
- One long-bladed knife, worth 25 sous
- One buckler, worth 15 sous
- One helmet, worth 4 silver blancs

His opponent denied possessing almost everything on this list. He did admit to holding the breast-plate although he acknowledged that he was not aware of its value. He also admitted to holding the knife but denied that Augustin had appraised its value accurately. Disputes over value estimates are not especially common in the record but they are nonetheless vital clues insofar as they indicate the uncertainties associated with the value of things.

Appraisals were common in cases of theft. In a case from 1333, a woman named Cardona, who lived in the village of Mutigliano, 8 kilometres north of Lucca, came before the court claiming that two thieves had absconded with several items from her house, including a matching mattress and pillow set.²¹ These objects, which she valued at 6 florins, were then sold in the nearby village of Santo Stefano for 2 florins. The case was not directed against the thieves, who had already been banned by the Lucchese court. Instead, the respondent was Bertuccio, the resident of Santo Stefano who had purchased the goods without verifying their provenance. Bertuccio was ordered either to return the goods to Cardona or restore the value that she had assigned to them.

One of the striking features of this and indeed most cases is that the appraisals given in court were determined not by an expert witness but instead by one of the parties to the case. Given the fact that the initial appraisal was made by an interested party, it is reasonable to ask whether the absence of an official appraisal of value by a disinterested party encouraged inflated values. This is unlikely, however, since defendants were allowed to contest appraisals made in court, as we have already seen in the case of Augustin Peire and the Augustinian canons. In the same vein, consider a case from Lucca in the year 1341, in which

²¹ Archivio di Stato di Lucca (hereafter ASL), *Curia dei Rettori* 7, first quire, pp. 185–189.

a Lucchese woman named Syma lodged a suit to recover the value of her dowry of 40 florins from the estate of her father-in-law.²² Her father-in-law had been declared a rebel by the commune of Lucca and all his goods had been seized by the city. Swept up into the haul were things belonging to Syma, or, to be more accurate, things over which her dowry claim gave her legal rights. The official who represented the city of Lucca contested her claim as a matter of course, and among other things, Syma's procurator was forced to prove that the morning gifts and trousseaux items really were worth 40 florins. The witnesses brought forward by her procurator offered rich descriptions of the items that had travelled with the bride on the day of her wedding, including two wedding chests, rich cloths, jewels, accessories, towels, and 'all the things and foodstuffs... that are customary at weddings in Lucca'. Where the act of appraisal is concerned, two lines stand out. One witness, a man named Arrigo, first described the trousseaux items, and was then asked to provide the court with an appraisal of their value. In response, he said that he did not know the value, because, as the record notes, 'nescire quia tunc temporis de extimatione non cogitavit', or 'at the time he was not thinking about estimating the value'. The instinct for appraisal, evidently, was something that could be turned on and off. A female witness, responding to the same question, was said to have answered 'it was worth more than 30 florins'. Intriguingly, she then added 'satis tamen dixit eas nescire extimare', or 'she said, however, that she did not really know how to appraise these things'.

In any market economy, there can exist a gap between the value of a thing as determined by a legal or bureaucratic context and the price it might earn on the market. A few rare but exceptionally interesting cases from Marseille reveal that individuals were capable of noticing this gap and exploiting it for gain. To take just one example, in 1402 a complicated case involving an unpaid debt made its way into one of Marseille's courts.²³ The dispute arose following the bankruptcy of a man named Bertomieu Simondel. To judge by the arguments of the aggrieved plaintiff, Bertomieu seems to have been aware that his assets would not suffice to compensate all his creditors, so he devised an elaborate scheme to salvage at least some of his assets. The scheme worked like this. Using a contract known as a *donatio insolutum*, Bertomieu fraudulently transferred a valuable piece of property to another creditor, a woman named Metelina de Favas, to whom Bertomieu owed 400 florins. According to the terms of this contract, the property should have been assigned a putative value of 400 florins or less. The plaintiff argued, however, that the property was

²² ASL, *Curia dei ribelli e dei banniti*, last quire, fols. 6r–22r.

²³ ADBR 3B 138, fols. 1r–13v, case opened 25 Feb. 1402.

actually worth 600 florins, meaning that Metelina was 200 florins to the good. The implication of the plaintiff's argument is that Bertomieu and Metelina had connived in devising this legal stratagem. Although the details of the scheme were not spelled out, we can imagine an understanding in which Metelina would sell the property at a later point in time for its full market value of 600 florins. She would then retain 400 florins for herself and quietly hand over the additional 200 florins to Bertomieu.²⁴

The problems that arose whenever price and value did not match were most on display in the process of auctioning, where items could be sold for much less than their perceived value. In such cases, it was inevitable that disappointed owners should accuse auctioneers of collusion or price-fixing. Anticipating the problem of collusion, the courts of both cities insisted that court-ordered auctions be conducted in customary public spaces in the hours of daylight. In a dramatic appellate case from Marseille from the year 1386, a creditor, acting on a license from the court, put up for auction a golden jug, studded with pearls and gemstones, that had been seized from a nobleman named Esteve de Brandis for the repayment of a debt of 1000 florins.²⁵ According to Esteve, the jug actually belonged to the pope, and was worth 2000 florins according to what he called 'common opinion'. It had been given to Esteve as collateral to help him raise the funds necessary to arm war galleys. But when Esteve was unable to redeem the loan within the allotted time, the jug was sold at auction and fetched only 805 florins. For this reason, Esteve sued the banker who had lent him the money, accusing him of colluding with the auctioneer to reduce the asking price for the jug. In his arguments, he observed the existence of statutory provisions requiring that auctions 'ought to be conducted openly and publicly in the streets and places by the court where the greatest number of people assemble'. Instead, this auction had been conducted 'privately, secretly, and stealthily, in private and secret places where only a small number of people gather'. Worse, the auction had been conducted while people were at their meals or sleeping.

Cases involving a gap between an appraised value and an actual sale price could involve much more pedestrian objects. In 1408, a resident of Marseille named Margarida de Altu commissioned a broker named Cathon to auction

²⁴ Metelina herself died before the initiation of the suit. The defendant in the lawsuit was not the debtor Bertomieu but the current property holder, who had acquired the property from Metelina following a complicated inheritance process.

²⁵ ADBR 3B 839, fol. 18v, case opened 11 Sept. 1386 on fol. 3r.

some of her goods.²⁶ In the course of making her arguments, she itemized all the goods sold and included her own appraisals of their value, which totalled 25 florins and 2 gros.²⁷

- First, one mattress, worth 32 gros
- Next, one bolster, 18 gros
- Next, one bed-support, 6 gros
- Next, one bed-support, 6 gros
- Next, one chest or box, 32 gros
- Next, two chests, worth 1 florin
- Next, one dough-trough and two dining tables, 7 gros
- Next, one frame for sifting flour, 1 gros
- Next, two chests, 1 florin
- Next, two benches and two chairs for sitting at the table, 6 gros
- Next, four woollen blankets and one green bedspread, priced at 5 florins
- Next, seven sheets of coarse linen, worth 3 florins
- Next, three jars, together priced at 26 gros
- Next, one chest with two compartments, priced at 4 florins

The goods sold for 20 *livres*, or 12 ½ florins, just about half the amount anticipated by Margarida. Disappointed, she accused Cathon of undervaluing the objects; in addition, she claimed that he had not provided her with a reckoning or settled the account after the auction.

As this survey has indicated, determinations of value were central to the operations of law in Marseille and Lucca in the fourteenth and fifteenth centuries. Certain kinds of legal procedures or legal contracts were unable to proceed until they had constructed a fact: in this case, an estimate of absolute value. But the fact itself is an all-too-convenient fiction, and has a peculiar kind of status among the kinds of facts that were increasingly of interest to early modern European states. Many of the attributes of persons and things necessary to law and governance, such as age, parentage, marital status, and citizenship, or weight, size, material, and purity, are ‘real’ enough and, in any case, can be established by means of records or determined through practices of measurement. Absolute value, by contrast, is unknowable. Yet courts of law needed to know it all the same.

²⁶ This case is also discussed in McDonough S. A., *Witnesses, Neighbors, and Community in Late Medieval Marseille* (New York: 2013) 25–28.

²⁷ ADBR 3B 859, fols. 105r–151r, case opened 26 April 1408.

Strikingly, the necessity of an appraisal did not generate a demand for a neutral expertise in determining the value of things litigated in court. Instead, courts relied on estimates provided by interested parties. The reliance on self-interested estimates, in turn, raises the question of whether people were competent at estimating the value of things, a theme to which we shall turn in the next section. Here, it is enough to note that for many people, the ability to make swift and accurate estimates, then as now, is essential to one's ability to navigate everyday life. In later medieval Europe, no shopkeeper, merchant, or pawnbroker could have hoped to succeed without an intuitive grasp of the value of goods or, as Giovanni Ceccarelli has pointed out, an ability to assess the risks associated with every transaction.²⁸ By the same token, no householder could have done his or her shopping without an understanding of price. The need to navigate the complex and demanding world of markets, credits, and debts, by this argument, helped promote widespread vernacular competence in the reckoning of value.

2 Value Estimates and Debt Collection

As rates of litigation rose dramatically over the course of the later Middle Ages, estimates of value became ever more common in courts of law. Of all the legal domains whose procedures demanded estimates, the most prominent was undoubtedly the system of state-sponsored debt collection.²⁹ Credit was widespread and growing in later medieval Europe, and for this reason the volume of debts in arrears was substantial. To pursue the debts owed to them, creditors came to courts of law all over Europe to lodge claims against their debtors. In the *ius commune* courts, these claims were not considered lawsuits (*causae*); instead, they were simple pleas that were able to move forward quite expeditiously as long as the claims were uncontested by the debtors. This was the situation that applied in the vast majority of cases, since few debtors had any interest in embarking on expensive and hopeless acts of litigation. As soon as a creditor's claim had been established to the satisfaction of the

²⁸ Ceccarelli G., "Stime senza probabilità. Assicurazione a rischio nella Firenze rinascimentale", *Quaderni Storici* 45, 3 (2010) 651–701.

²⁹ See Claustre J. (ed.), *La dette et le juge: juridiction gracieuse et juridiction contentieuse du XIII^e au XV^e siècle (France, Italie, Espagne, Angleterre, Empire)* (Paris, 2006); Claustre J., "Objets gagés, objets saisis, objets vendus par la justice à Paris (XIV^e–XV^e siècles)", in Feller L. – Rodríguez A. (eds.), *Objets sous contraintes: circulation des richesses et valeur des choses au Moyen Âge* (Paris: 2013) 385–402.

court, the judge ordered a crier-sergeant (*nuncius*) to proceed to the house of the debtor and extract goods approximately equal in value to the debt. The sergeants were empowered to take money if they found any, but in practice they almost never did. This stands to reason. Money was in short supply in late medieval Europe, and to the extent that people had any assets, those assets often took the form of household objects, foodstuffs, tools, equipment, and units of property.

The scale of the phenomenon of debt collection was significant. In early fourteenth-century Lucca, where the evidence is especially good, the extant records indicate that the courts were ordering more than 2,000 seizures per year, in a region with a population of around 100,000 at most. The more fragmentary evidence from fourteenth-century Marseille suggests rates of seizure similar to this. The courts in Lucca were responsible for processing debts in arrears amounting to roughly 10,000 florins per year. To handle the demand, the Lucchese courts were staffed by dozens of sergeants, who were assisted by burly enforcers (*berroviarii*) and, sometimes, porters. Although the crier-sergeants in Lucca had many responsibilities, debt collection probably consumed the majority of their working hours. Individually, they undertook dozens or even hundreds of seizures per year, embarking on trips that took them all over the district of the Lucchesia, sometimes requiring several days of travel.³⁰

The sergeants responsible for carrying out the seizures engaged in innumerable acts of appraisal on an annual basis. To take a single example from 1333, a Lucchese sergeant named Gianni Gigli, operating on behalf of the court of the Podestà of Lucca, performed sixteen seizures in the month of January alone.³¹ During this month, he seized a wide range of things, including tunics, jackets, cloaks, two mortar-and-pestles, a pot for making candles, 48 setiers of red wine in a cask (the record notes that he also took the cask), twenty trenchers and a table knife, and seven empty Neapolitan casks. From one house, he seized twelve setiers of grain, two setiers of dried figs, and one setier of millet. From another, he took two barrels of honey together weighing 200 pounds. The two dozen items of clothing he took were richly described; they include a woman's jacket made of a caerulean-blue-and-brown fabric adorned with parrot designs. The description of one of the dress items, a parti-colored cloak cut in the German style, made of medley and vermillion cloth, implies an expertise in clothing styles. Each of these objects—some plain, some unique, some commodities—had to be appraised during the act of seizure, and in some

³⁰ For these and other figures, see my *Legal Plunder: Households and Debt Collection in Late Medieval Europe* (Cambridge, Mass.: 2016).

³¹ ASL, *Podestà di Lucca* 33.

cases the values of multiple objects had to be bundled together to reach the size of the debt.

The frequent repetition of the act of appraisal by sergeants such as Gianni would have allowed them to develop heuristics, or simple, intuitive sets of rules and procedures, that enabled them to reach accurate estimates of values swiftly and efficiently.³² These heuristics extended to weights and measures as well, notably in the case of foodstuffs, fibers such as flax and wool, and household linens. Although the procedures are never described in the records, the crier-sergeants presumably determined the value of casks of wine, bins of millet, or sacks of wool by estimating the volume of the receptacle and multiplying by the current market price per unit. These estimates of volume were not as easy to reach as one might imagine, for the evidence from the records of debt collection indicates that storage vessels did not come in standardized units.

How competent were the sergeants in making the various kinds of estimates they needed to have to carry out their business? As it happens, the system of debt collection as practiced throughout much of later medieval Europe had a device for handling inaccurate estimates. This device resided in the practice of the auction. In theory, debtors had the right to insist that items seized during the process of debt recovery be auctioned off to the highest bidder. If the sergeant made an error in estimation, the surplus could be restored to the debtor. In other words, the protocols that governed debt collection did not necessarily place demands on the competence of sergeants.

The reality, however, was different. Auctions were relatively uncommon in both Marseille and Lucca, a situation that holds for medieval Valencia as well.³³ In Lucca, a substantial percentage of the original court registers have survived. Records of auctions are scattered throughout the surviving mass, but we never find more than a few dozen per year, a tiny fraction of the number of seizures per year. The infrequency of auctions seems to have arisen in part because crier-sergeants were very accurate in their estimates. In addition, various clues indicate that sergeants, perhaps operating at the request of creditors, occasionally chose to seize goods whose value, on average, was somewhat lower than the debt.

This situation offers some important insights for our understanding of economic trends. The growth of markets in later medieval Europe meant that the

³² On the system of heuristic reasoning, see Kahneman D., *Thinking, Fast and Slow* (New York: 2011).

³³ For Valencia, see Furió A., “Crédit, endettement et justice: prêteurs et débiteurs devant le juge dans le royaume de Valence (XIII^e–XV^e siècle)”, in Claustre (ed.), *La dette et le juge* 19–53.

volume of transactions was increasing, a process that placed considerable demands on the money supply. Partly as a result of this, objects were pulled into the circulation of value in the medieval economy. Debt collection was not the only institution at work in assigning monetary attributes to portable objects, for institutions such as pawnshops and the *monti di pietà* did much the same.³⁴ Coins are expressly designed for circulation because their values are denominated, but objects can perform coin-like functions as long as their values are known to a reasonable approximation. In other words, as long as local agents, such as the sergeants responsible for debt collection, were fast and accurate enough in their estimates of value, the objects they seized could function like coinage. In this way, the emergence of this knowledge system had the effect of expanding the supply of money in the economy of late medieval Europe.

3 Official Estimates of Value

The expertise in appraisal developed heuristically by the crier-sergeants was not an uncontested expertise. As noted, debtors were free to challenge the appraisals given to their things, and could seek redress by requiring auctions, a system that used market processes, rather than a sergeant's estimate, to determine a price. Other spheres of activity in late medieval cities demanded official or uncontested determinations of value. Like other cities, both Marseille and Lucca had official assessors charged with the task of providing estimates of property values. These estimates, among other things, were necessary for a system of taxation based on wealth.³⁵ In Lucca, we find references to registers containing estimates of property values and tax assessments (*libri extimationis*), and the values given in these registers were sometimes transcribed into court registers. Since tax burdens also fell on movable goods, the assessors needed to be able to estimate those as well.³⁶ In addition to taxation, estimates were

34 See, *inter alia*, Menning C. B., *Charity and State in Late Renaissance Italy: The Monte Di Pietà of Florence* (Ithaca: 1993); Muzzarelli M. G., *Il denaro e la salvezza: l'invenzione del Monte di pietà*, Collana di storia dell'economia e del credito 10 (Bologna: 2001); Carboni M. – Muzzarelli M. G. (eds.), *In pegno: oggetti in transito tra valore d'uso e valore di scambio: secoli XIII–XX* (Bologna: 2012).

35 For this reason, the process whereby estimates were made is of special importance for the study of taxation. In general, see Rigaudière, *Les cadastres anciens des villes*.

36 In general, as Rigaudière has pointed out, assessing movables was far too time-consuming. To simplify matters, municipalities relied on the declarations of value made by their

necessary in family and household matters. The most dramatic cases demanding official expertise can be found in cases of contumacy or insolvency, where criminals or debtors had simply abandoned their goods to the court.³⁷ In such cases, it was incumbent upon the court to distribute the abandoned goods to all the creditors, who were subsequently reimbursed in order of priority, with the older debts reimbursed followed by the more recent ones in strict chronological order. In such cases, there was no interested party available to make an initial assessment, and in any event the creditors whose claims were more recent in time would have challenged any unofficial estimate that threatened to deprive them of their rights. For this reason, city assessors were called in to make official estimates of the value of the goods and properties.

In Marseille, the office of the assessors was construed as a committee of the general council of the city. At the outset of the political year, which began in late October or November, three members of the city council were chosen to serve as general assessors (*extimatores generales bonorum*); two other members were designated as assessors for the taille (*extimatores talarum*). Council records do not give much evidence about the activities of the general assessors, although we can reconstruct some of their areas of competence from Marseille's statutes. The best sources for understanding their activities are found in records scattered throughout the notarial and judicial archives of Marseille. In notarial registers, they take the form of contracts typically known as *extimationes*. In addition to these contracts, a single register of the activity of the assessors has survived for a two-year period between August 1420 and September 1422.³⁸

The process of appraisal began with a claim lodged by a creditor, either by way of a simple debt claim or a lawsuit. About half the dossiers found in the 1420–1422 register involve situations where a decedent had left an estate burdened with debts. Nearly half were initiated as dowry claims lodged against the failing or insolvent estates of living or dead husbands. The assessors typically completed their task within a week, sometimes as little as a day, although complicated cases took longer. One such case was a dowry claim lodged by Johaneta Saure, the widow of the notary Peire Fresquerie. The court order to begin proceedings was issued on 22 August 1422 but the dossier was not

taxpayers, and some of them developed tariffs to promote accuracy. See Rigaudière, *Les cadastres anciens des villes* 69.

37 For a similar pattern involving seizures by the Inquisition, see Maifreda G., “Un’Inquisizione diffusa. Sant’Uffizio, confische e stime nel Cinquecento milanese”, *Quaderni storici* 45, 3 (2010) 779–824.

38 Archives Municipales de la ville de Marseille FF 1009.

compiled until 5 September.³⁹ At 1,000 florins, her dowry was enormous; beyond that, her husband owed her more than 500 florins for other obligations. Peire's estate included several houses and parcels of land and a long list of goods, carefully assessed and entered into the record. The assessors were paid 8 florins and 6 gros for their efforts in this lengthy case.

To judge by this register, the assessors worked indiscriminately with anything that could be liquidated: household articles, real estate, beehives, outstanding credits owed to the insolvent estate, even, on one occasion, a stable of horses, valued at 5 florins and 4 gros each. Like the crier-sergeants, the assessors were responsible for appraising the value of a very wide range of goods. But whereas a debtor concerned about a low estimate assigned by a sergeant had recourse to the auction, the official estimates delivered by the assessors were much harder to contest, and for this reason their appraisals were more binding. It is important to note, therefore, that there appears to have been no profession or guild associated with the work of the assessors. No one, to my knowledge, ever described his sole profession as *estimator*. The competence associated with estimation, in other words, did not lie in a technical expertise.

As the editors of an important collection of articles in *Quaderni Storici* recently put it, what gave the assessors their expert authority?⁴⁰ In all likelihood, nothing at all, for their competence was no greater than the tacit competence common to pawnbrokers, auctioneers, crier-sergeants, and everyday citizens. More accurately, their authority in the matter of appraisal was conferred on them by legal and governmental *fiat*. Their activity, once again, provided a fictional but necessary certainty to the process of assigning a value. The value was necessary because basic activities like tax collection and insolvency proceedings cannot go forward in the absence of a value upon which the parties can or must agree.

4 Conclusion

In a world without markets, absolute monetary value is a classic instance of nescience. It constitutes a realm not of the unknown but of the irrelevant. In Europe's medieval past, of course, there was never a time or place untouched by markets to some degree. But as markets developed over the course of Europe's economic expansion, and as the European economy became ever

³⁹ Ibidem, fols. 35r–38v.

⁴⁰ Barbot M. – Chauvard J.-F. – Mocarelli L., "Premessa: Questioni di stima", *Quaderni Storici* 45, 3 (2010) 647: 'Cosa rende, di conseguenza, un individuo un "esperto" legittimato a compiere una stima?'.

more monetized, the dual nature of objects, both as things and as bearers of value, became more and more apparent.

Market prices fluctuate. For the operations of law and governance in the fourteenth century, this was a problem. The legal contexts explored in this article indicate that the law relied on the assumption that every item appearing in a lawsuit or a tax register could be assigned a value. In some instances, the law was able to assign prices through market mechanisms. The statutory laws governing the process of debt collection, for example, envisioned a procedure whereby values could be determined by auctions. Elsewhere in the legal arena, in the proceedings of lawsuits and in the making of contracts, the courts generally accepted unofficial estimates of value, and the protocols necessary for gathering information about value slowly crept into the practice of the courts. The fact that estimates in lawsuits and acts were often made by interested parties does not mean that the estimates found in court records were meaningless or self-interested. Instead, the context suggests that the people who made appraisals were under pressure to produce good approximations of value. The ubiquity of estimation in the legal records is a strong indication of the powerful demand for information regarding values. But all these estimates, however necessary for the operations of the law, were fictions.

Value, in turn, is simply one instance of a larger phenomenon. The law also needed to have certain knowledge about foreigners, manifest usurers, and many other elements of the status or identity of individuals. All of these items of information, in some sense, were new, insofar as they had hitherto existed largely in the realm of nescience and were only just on their way to becoming facts that could be known to governments and legal authorities. The growing awareness of the state's ignorance about vital statistics and other facts helped generate a whole system of parish registers, bureaus, and archives. This transformation from nescience to ignorance and then to forms of knowledge was instrumental in creating the bureaucratic apparatus that defines many features of our world today.

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Nescience and the Conscience of Judges. An Example of Religion's Influence on Legal Procedure

Mathias Schmoekel

1 Ignorare dicor, quod scire deboeo

It is certainly no problem at all that, when legal procedures begin, the judge does not know the facts of the case or the culpability of the accused. On the contrary, it would indeed damage the case if the judge knew, or simply presumed to know, a case right from the beginning. Legal procedure is the means to acquire thorough knowledge of a case. A German word for legal procedure is therefore 'Erkenntnisverfahren' (literally: 'procedure of cognition'). Since a legal procedure is the way to find out about the case, it presupposes the judge's initial ignorance.

Though ignorance in itself is no problem, the law sometimes obliges people to know.¹ Since the Theodosian Code, it has been an established principle that the subjects had to be familiar with the law.² Exceptions were necessary as nobody can know every law,³ but natural law in particular, inscribed into the hearts of every person (Rom 2:15), could not be ignored.⁴ Evidently, it was difficult to define the general limits of legal knowledge.⁵ Medieval jurisprudence tried to define the cases of necessary knowledge. For this reason,

1 Albericus de Rosate, *Dictionarium* (Venice, Domenico and Giovanni Battista Guerra: 1573) 336: 'Ignorare dicor, quod scire deboeo'.

2 *Codex Theodosianus* 1.1.2 (Brev. 1.1.2, a. 391), ed. Th. Mommsen (Berlin: 1905) 27, with the Visigothic interpretation: 'Leges nescire nulli liceat [...]'.

3 Albericus de Rosate, *Dictionarium* 337: 'Ignorantia iuris ciuilis et canonici excusat a tanto [...]. Non autem excusat a toto'.

4 Albericus de Rosate, *Dictionarium* 337: 'Ignorantia alia[s] est iure naturalis, quae omnibus adultis et discernentibus est damnabilis: alia est iuris civilis et canonici, quae quibusdam permittitur ignorari'. Similarly Thomas Aquinas, *Summa theologiae*, 1a 11ae (<http://www.corpusthomisticum.org/sth2075.html>, last 29.12.2015), qu. 76 art. 2: 'omnes tenentur scire communiter ea, quae sunt fidei, et universalia iuris praecepta'.

5 For further reading cf. Engelmann W., *Irrtum und Schuld nach der italienischen Lehre und Praxis des Mittelalters. Ein lehrgeschichtlicher Nachweis und Beitrag zur Klärung der*

it differentiated between obliviousness of the facts and of the law. Generally speaking, ignorance of the facts was less dangerous than ignorance of the law.⁶ All these legal questions became much more complex when it came to the details. In order to accept legal ignorance, it had to be involuntary and unsurmountable.⁷ Unintentional ignorance of facts, in contrast, was generally seen as a good excuse.⁸

Medieval jurists loved differentiations in terms and notions. They insisted that ignorance, nescience, error and wavering differed.⁹ Ignorance of law and facts was whatever someone would neither know nor assume nor suspect. Nescience, however, was perceived in a larger sense: all ignorance would be nescience, but not vice versa. For Thomas Aquinas, a simple lack of knowledge was nescience, whereas ignorance required a duty to know.¹⁰ But in many instances both terms were deemed synonymous. Error would be an assumption contrary to the actual situation. Many further distinctions were created regarding probable or necessary errors, or cases of ignorance.

The situation was, however, different for the judge. Generally, he had to know the law,¹¹ with the exception of atypical statutes in the provinces (*ius particulare* or *proprium*), which were contrary to *ius commune*.¹² In this specific case, the parties concerned were obliged to inform the court about the legal peculiarities of the region. But it was certainly the court's duty to inquire into the facts of the case. The crucial question, therefore, was how much time

strafrechtlichen Zurechnungslehre (Berlin: 1922); Roumy F., "L'ignorance du droit dans la doctrine civiliste des XII^e–XIII^e siècles", in *Cahiers de recherches médiévales* (XIII^e–XV^e s.) 7 (2000) 23–43; Roumy F., "Les distinctions et les sommes des glossateurs relatives à l'ignorance du droit", in *Panta rei. Studi dedicati a Manlio Bellomo*, vol. 4 (Rome: 2004) 467–499; Stuckenberg C.-F., *Vorstudien zu Vorsatz und Irrtum im Völkerstrafrecht* (Berlin: 2007) 544–550; Brundage J. A., *Medieval Canon Law* (New York: 1995) 161–162.

6 Albericus de Rosate, *Dictionarium* 337: 'Ignorantia facti non iuris excusat'.

7 Albericus de Rosate, *Dictionarium* 337: 'Ignorantia iuris, aut est omnino inuincibilis et involuntaria'.

8 Albericus de Rosate, *Dictionarium* 337: 'Ignorantia facti non iuris excusat'.

9 Azo, *Summa Codicis* (Venice, Raffaele e Tobiolo Arcangelo: 1581; reprint, ed. A. Gouron, Frankfurt a.M.: 2008), col. 30 n. 1s.

10 Much alike Thomas Aquinas, *Summa theologica*, Ia IIae, qu. 76 art. 2: 'nescientia dicit simplicem scientiae negationem'.

11 C 2.10.1 (Diocletianus/Maximianus, a. 290), cf. Capone A., *Iura novit curia. Studio sulla riqualificazione giuridica del fatto nel processo penale* (Padova: 2010) 14.

12 Bellomo M., *The Common Legal Past of Europe. 1000–1800*, trans. L. Cochrane (Washington DC: 1995) 151–154; for Modern Times cf. Oestmann P., "Rechtsvielfalt", in idem (ed.), *Gewohnheit – Gebot – Gesetz. Normativität in Geschichte und Gegenwart. Eine Einführung* (Tübingen: 2011) 99–123.

the judge had to pursue his investigations. Was he obliged to obtain knowledge of the facts; was this desirable, or even possible? This is the basic issue, which has to be investigated with respect to its historical development.

In order to focus on the central figure of the judge, it is necessary to concentrate on the Roman-Canon law tradition. The different models of a jury-based procedure in Europe and America will therefore be left aside. To understand the evolution of Roman-Canon law it will be unavoidable to start with a glimpse into Ancient Times. As the French Revolution introduced juries and thus broke with this tradition, it constitutes the logical end point of this investigation. Our discussion of the role of the judge in Roman-Canon procedural law draws upon a number of my own publications.¹³ I have tried to retrieve the fundamental teaching of the Church Fathers (cf. II), which helped to shape the medieval *ius commune* (cf. III). In Modern Times, however, a new epistemology put an end to this tradition (cf. IV). The final question is how much of this tradition is still present in today's litigation (cf. V).

2 ***Ignorantia est peccatum***

Ancient Roman law had a very relaxed position with regard to the court's knowledge. Choosing from a public list, the *praetor* named the judge (*iudex*), who presided over the hearing. The judge was the appointed legitimate representative of the *respublica romana*. The parties and their advocates had to present their case in front of the court and use their rhetorical skills in order to be as convincing as possible. The obligation of the *iudex* was to determine the law according to his judgement, which he had come to over the course of the litigation. His decision was nothing more than his opinion. The verdict was called 'sententia' because in it the judge declared his subjective 'sentiment' or his point of view ('*videri*').¹⁴ As representative of the *respublica*, his decision demanded authority. There was almost no allegation of 'justice' or 'truth [or veracity]' at this time.

¹³ For further references and a broader explanation of these developments, see my "Erkenntnis und Wahrheit in der europäischen Rechtsprechung" in Bromand J. – Kreis G. (eds.), *Was sich nicht sagen lässt. Das Nicht-Begriffliche in Wissenschaft, Kunst und Religion* (Berlin: 2010) 409–431; expanded in: *Die Jugend der Justitia. Archäologie der Gerechtigkeit im Prozessrecht der Patristik* (Tübingen: 2013); and *Humanität und Staatsraison. Die Abschaffung der Folter in Europa und die Entwicklung des gemeinen Strafprozeß- und Beweisrechts seit dem hohen Mittelalter*, Norm und Struktur 114 (Cologne et al.: 2000); and *Das Recht der Reformation. Die epistemologische Revolution der Wissenschaft und die Spaltung der Rechtsordnung in der Frühen Neuzeit* (Tübingen: 2014).

¹⁴ Cf. Kaser M. – Knütel R., *Römisches Privatrecht*, 18th ed. (Munich: 2005) 385–386.

Under the Emperor Constantine, bishops were no longer just arbiters of their communities, but also became judges by imperial authority with more and more responsibility for criminal and civil matters. The growing legal employment caused some exasperation and complaints. But all the same, the bishops understood the necessity of determining what the Christian faith actually meant for the quotidian problems of their parishioners. Redemption was granted only to those who succeeded in living their lives according to their faith.¹⁵ The new Christian community needed information on what this meant for their private circumstances. It was not in the Sunday sermon, but rather in daily life that they saw how their theology had to respond to the demands of the day. Origenes (185–254) therefore called bishops the ‘eyes of the church’.¹⁶

The *Constitutiones Apostolorum* (ca. 375–380) already required that bishops be able to interpret the law diligently.¹⁷ Bishops in the Roman Empire, like Ambrose, thus had some grasp of legal matters;¹⁸ Augustine even had extensive legal knowledge;¹⁹ and Tertullian²⁰ and Cyprian²¹ were probably educated lawyers. However, they used Roman law only to a small extent and had no problem inventing new rules or adjusting the rules according to their theology.

They even developed a new theology of legal procedure. They saw their job as preparation for the Last Judgment. God, as supreme judge, therefore became the role model for all human judges. Just as God’s own judgment was based on

¹⁵ Iustinus Martyr, *Apologiae pro christianis*, ed. M. Marcovich, Patristische Texte und Studien 38 (Berlin: 2005), here *Apologia maior*, n. 16, 57.

¹⁶ Origenes, *Homiliae in Leviticum* III, 2, GCS [Die Griechischen Christlichen Schriftsteller] 6, 301–302 cited by Jaeger H., “La preuve judiciaire d’après la tradition rabbinique et patristique”, in *La Preuve I: Antiquité*, Recueils de la Société Jean Bodin 16 (Brussels: 1965) 415–594, here 526.

¹⁷ Funk F. X. (ed.), *Didascalia et Constitutiones Apostolorum*, vol. 1 (Paderborn: 1905) II.5.4, 36.

¹⁸ Raikas K. K., “Audientia episcopalis: Problematik zwischen Staat und Kirche”, *Augustinianum. Periodicum semestre Instituti Patristici ‘Augustinianum’* 37 (1997) 459–481, here 463 (also in Hellebrand J. (ed.), *Augustinus als Richter*, Res et Signa 5 = Cassiciacum 39/5 (Würzburg: 2009) 84–105).

¹⁹ Ducos M., art. “Ius”, in Mayer C. (ed.), *Augustinus-Lexikon*, vol. 3 fasc. 5/6 (Basel: 2008) 854–859, here 856; Ducos M., art. “lex (B)”, in Mayer C. (ed.), *Augustinus-Lexikon*, vol. 3 fasc. 5/6 (Basel: 2008) 943–954, here 948.

²⁰ Thus particularly Beck A., *Römisches Recht bei Tertullian und Cyprian. Eine Studie zur frühen Kirchenrechtsgeschichte* (Aalen: 1967) 97–120, for legal procedure particularly 102; Humfress C., *Orthodoxy and the Courts in Late Antiquity* (Oxford: 2007) 172–176.

²¹ Steinwenter A., “Der antike kirchliche Rechtsgang und seine Quellen”, *Zeitschrift der Savigny Stiftung für Rechtsgeschichte, Kanonistische Abteilung* 23 (1934) 1–116, here 31; Hoffmann A., *Kirchliche Strukturen und Römisches Recht bei Cyprian von Karthago* (Paderborn: 2000) 303.

his complete comprehension of the case, the human judge should aim at an absolute familiarity with his case. Their verdict had to be based on the truth.

Moreover, just as God's ruling was always just, the human court also had to achieve justice. This had many implications, including universal rules for all judges in order to avoid arbitrary judgments. Monarchs were required to enact rules of legal procedure and evidence, so that all cases would be judged according to the same standard. Verdicts had to respect not only the findings of the particular case, but also their relation to other cases. Human justice could influence God's Last Judgment. Any crime that had already been punished by the judges could not be punished again by God. Any appropriate penitence lessened the punishment that God had to impose. Furthermore, unjust condemnations created martyrs that were rewarded with immediate entry into paradise.

The new Christian ideals of justice and absolute truth changed legal procedure. Instead of the rhetorical treatment of proof as found in Quintilian, a new law of evidence and proof needed to be created. The complete informedness of the court and appropriate punishments acquired soteriological implications and became central.²² Judges who disregarded these ideals, who convicted the innocent and freed criminals, acted in an unjust and unlawful way. Because of this grave sin, they risked their eternal life.²³ Some even deduced from this that an unjust sentence posed a greater risk for the judge, who endangered his own eternal life, than for the defendant, who in the case of an unjust capital verdict could enter paradise immediately.²⁴

Moreover, unjust sentences risked God's own vengeance on that unjust society following the model of Sodom and Gomorrah (Prov 24:24; Am 5:14sf). Wars, plagues, floods and any other serious dangers for the society could be the consequence of unjust punishments. This Christian theology of legal procedure, therefore, put high pressure on judges.

With regard to Leviticus²⁵ and 1 Cor 14:38, there seems to exist a sin of ignorance. But Thomas Aquinas made clear that every sin had to be voluntary²⁶ and that the texts from the Bible did not apply directly to judges. Still, it is clear

²² Augustinus, *Epistulae*, ed. A. Goldbacher, CSEL [Corpus Scriptorum Ecclesiasticorum Latinorum] 44 (Vienna: 1898) here ep. 133.2, 82 Z. 11: 'inquirendi quam puniendi necessitas maior est' (= C. 23 qu. 5 c. 1).

²³ Võõbus A. (ed.), *The Didascalia Apostolorum in Syriac*, Corpus Scriptorum Christianorum orientalium 401 (Leuven: 1979) vol. 1, c. 5, 51 ll. 22–25.

²⁴ *Capitula Angilramni*, ed. K. Schon, MGH Studien und Texte 39 (Hanover: 2006) c. XI (c) bis, 159–160.

²⁵ Lev 4.2. (King James Version): 'Speak unto the children of Israel, saying, If a soul shall sin through ignorance against any of the commandments of the LORD [...].'

²⁶ Thomas Aquinas, *Summa theologiae*, q. 76 art. 2, 550: 'nisi inquantum est voluntaria'.

that the Church Fathers developed a strong obligation for all judges to gather comprehensive knowledge of their case. They were obliged to know the case in detail. Judging against the objective truth was a crime and a sin.

At this time, it did not seem impossible to obtain the truth. For a Christian, the word of Jesus (Joh 14:6) was valid: 'I am the way, the truth, and the life'. Whoever obtained faith and could understand the Lord achieved certainty and truthfulness. When the judge thought that the existing evidence led him to know the facts of the case ('*fides facere*'), he had obtained the truth. For this simple reason Christian judges were deemed to be better than their pagan colleagues, as their faith allowed them to procure the truth. Their religion would teach them to obey common standards of jurisdiction, and at the same time they would try to defend the weak and sick parties. Just as '*Christus medicus*' healed the limbs and the minds of his followers, the Christian judge would determine the punishment appropriate to mend and cure evil minds.²⁷

3 Iudex secundum allegata non secundum conscientiam iudicat

The central legal question concerned the length of time that the judge had to conduct his investigation. In the absence of a state attorney and a police force, he was the only magistrate who could oblige the parties to reveal the truth. The first solution was to require the plaintiff and the accused to present all the necessary documents and evidence. This is the main practical reason for which the developed Roman-Canon jurisdiction preferred an accusatory procedure.²⁸ In this case, the plaintiff was compelled to deliver all the evidence needed so that the condemnation could take place. Otherwise, he could be held responsible himself and the verdict that he had desired for the other party would instead be passed against him. When the judge had sufficient evidence, he often chose the inquisitional procedure, which made him responsible for the progress of the case. French jurisprudence in Modern Times accepted a specific way of changing between these two procedures according to the state of the evidence. When the judge had decided the 'civilization' of the procedure, the plaintiff became responsible for acquiring all the necessary evidence. Where he was successful, the procedure could become inquisitorial again.²⁹

²⁷ Harrries J., *Law and Empire in late Antiquity* (Cambridge: 1999) 192.

²⁸ This already started with Ambrose of Milan, cf. my "Ambrosius und der Prozess der Indicia. Verfahrensarten der Kirchenväter", in Mausen Y. – Roumy F. – Condorelli O. – Schmoeckel M. (eds.), *Der Einfluss der Kanonistik auf die europäische Rechtskultur*, vol. 4: *Prozessrecht, Norm und Struktur* 37.4 (Cologne et al.: 2014) 253–284.

²⁹ Cf. my *Humanität und Staatsraison* 399–402.

The second solution was a formal perspective, which is quite typical for all lawyers. The verdict had to be announced according to the facts as stated in the court files. ‘Quod non est in actis, non est in mundo’.³⁰ In particularly detailed proceedings, the possibility arose that a higher judge would examine the trial meticulously. Every judge was compelled to state the evidence presented to the court; this served as the basis of his verdict. Private events could not be included. Just as in Kantorowicz’s famous book on the ‘two bodies of the king’,³¹ the magistrate was divided into his identity as the official representative of the prince and his private identity. Whatever the judge knew privately was not supposed to influence him as public magistrate. Only what the magistrate could publicly assume as true was relevant; what his private conscience induced him to believe bore no significance. The judge could not act as a witness in his own hearing and had to pronounce his sentence according to the facts presented to the court.³²

In a famous case the mayor (*podestà*) of Bologna saw from his window that a certain nobleman committed murder in the street. Was he allowed—as the acting judge in the case—to convict this nobleman or could he sentence him to torture? The majority of the lawyers were convinced that the judge was not allowed to be influenced by his own private insight. Even Christ did not condemn the adulteress (John 8:3), although he knew of her sin, because nobody wanted to present himself as the accuser.³³

³⁰ Kreutz P., *Romidee und Rechtsbild in der Spätantike* (Berlin: 2008) 172 n. 174 for the Ciceronian origin of this proverb; for its meaning cf. Nörr K. W., *Romanisch-Kanonisches Prozessrecht: Erkenntnisverfahren erster Instanz in civilibus*, Enzyklopädie der Rechts- und Staatswissenschaft, Abteilung Rechtswissenschaft (Heidelberg: 2012) 47.

³¹ For the origin of this idea in the *Glossa palatina* cf. Nörr K. W., *Zur Stellung des Richters im gelehrt Prozeß der Frühzeit: Iudex secundum allegata non secundum conscientiam iudicat*, Münchener Universitätsschriften, Reihe der Juristischen Fakultät 2 (Munich: 1967) 71; Whitman J. Q., *The Origins of Reasonable Doubt* (New Haven – London: 2008) 105–124 for a comparison with the Anglo-American tradition; Decock W., “The Judge’s Conscience and the Protection of the Criminal Defendant: Moral Safeguards against Judicial Arbitrariness”, in Martyn G. et al. (eds.), *From the Judge’s Arbitrium to the Legality Principle*, Comparative Studies in Continental and Anglo-American Legal History 31 (Berlin: 2013) 69–94 for the lasting influence of this theory in the North; for Spain Lanza L., “The Relationship between Conscience and Law in Some Late Scholastic Commentators on Aquinas’s *Summa theologiae*”, in Speer A. – Guldentrops G. (eds.), *Das Gesetz—The Law—La Loi*, Miscellanea Mediaevalia 38 (Berlin – New York: 2014) 471–488.

³² Cf. Nörr, *Zur Stellung des Richters* 23.

³³ Nörr, *Zur Stellung des Richters* 18–19.

There was, however, a minority of famous lawyers who argued that conscience should guide the judge, among them Irnerius, the mystical founder of European jurisprudence, and his pupil Martinus Gosia.³⁴ But the majority disagreed with them due to the difference between the private opinion and the public conscience of the magistrate. In our case, Azo, Hostiensis and Accursius correspondingly agreed that no sentence of torture could be passed.³⁵ They argued that a good judge would do nothing according to his own discretion and act only according to the law.³⁶ He should ascertain the correct course of the legal proceedings and decide only with respect to the publicly known evidence. Thus the order of the church required a due process of accusation and the presentation of valid evidence, according to which the condemnation could take place, ‘secundum ordinem ecclesiae, siue ultro confessum, siue accusatum atque conuictum’.³⁷

This represented the dominant tradition of the *ius commune*, although some lawyers agreed that in theory, the judge should seek more evidence.³⁸ However, they mainly discussed the possibility of drawing upon private knowledge during interrogations: could the judge base his questions on his own information?³⁹ Of course, the judge was not allowed to simply reveal his private knowledge in this way.⁴⁰ For most lawyers, the entailing risk was too large. Other lawyers proposed that the decision should be transferred to a higher judge.⁴¹ Canonists like Hostiensis allowed exceptions for public utility⁴² and for special cases in which the judge’s conscience demanded the introduction

³⁴ Nörr, *Zur Stellung des Richters* 25 for Irnerius, 18–19, 27 for Martinus who seems to have accepted this, at least in criminal cases.

³⁵ As dominant position qualified by Clarus Julius, *Liber Quintus siue Practica criminalis* (Venice: Barezzo Barezzi, 1640, reprint, Goldbach: 1996) § fin. q. 66 n. 2, 557: ‘Nam iudex tenetur iudicare secundum acta, et probata, etiam si sciatur veritatem esse in contrarium. et est communis opinio ut attestantur multi’.

³⁶ C. 3 q. 7 c. 4 § 1 (following Ambrosius, Comment in psalm 118, vers. 156): ‘Bonus iudex nichil ex arbitrio suo facit et domesticae proposito uoluntatis, sed iuxta leges et iura pronunciat’. The principle of free evaluation of proofs following D. 22, 5, 3, 2 (Callistratus) was not recognized, cf. Lévy J.-P., “La preuve. Des origines à nos jours”, in *La Preuve. II: Moyen Âge et temps modernes*, vol. 1, Recueils de la Société Jean Bodin 17.1 (Brussels: 1965) 9–70, 159.

³⁷ C. 2 q. 1 c. 18 § 2 (Augustinus, sermo 351 n. 10).

³⁸ For Placentinus cf. Nörr, *Zur Stellung des Richters* 19.

³⁹ For Azo’s dominant position in this question cf. Nörr, *Zur Stellung des Richters* 30, 32.

⁴⁰ Nörr, *Zur Stellung des Richters* 47, Huguccio differed in this question (49) just as Jacques de Revigny (86).

⁴¹ Nörr, *Zur Stellung des Richters* 57.

⁴² Nörr, *Zur Stellung des Richters* 73.

of his private knowledge.⁴³ Still, the general rule was that private knowledge could not influence the court decision. Following private conscience was seen as leading to an arbitrary decision. This led to the famous proverb ‘Iudex secundum allegata non secundum conscientiam iudicat’.⁴⁴

This rejected private conscience as a sound basis for judgments. As long as it differed from the general teaching, it was considered erroneous. This conscience was seen as a mere sentiment, assumption or fantasy. Josse de Damhouder (1507–1581) distinguished a ‘public conscience’ from this, which was based on civil law and the canons, and therefore seen as the gist of law (*conscia legis & canonis*).⁴⁵

The last way in which private knowledge was of minor importance concerns the law of evidence. Even within the judge’s right to introduce his knowledge by the means of questioning the parties, he had little opportunity to obtain sufficient evidence. Any evidence (of guilt) for condemnation had to be satisfactory according to the general standards (*proba plena*), not according to the judge’s conscience.⁴⁶ ‘Full proof’ was normally found only in a confession or from two trustworthy witnesses. The judge largely depended upon obtaining a confession.

All types of proof were classified according to their persuasiveness. Here again medieval jurisprudence created a scale of reliability.⁴⁷ From nescience to full knowledge, several grades were supported with judicial possibilities:

- *Nescientia* was of course the opposite of *fides* and the absence of any knowledge. In this case, the judge had no possibility of proceeding further.
- *Dubitatio* was assumed when the judge had sufficient doubt about continuing his investigations. Still, this was less than any valid proof.
- Suspicion (*suspicio*) presupposed some basic elements of proof, for example an indication of guilt (*indicium*). Even several *indicia* put together did not justify a verdict, but such a light suspicion obliged the judge to continue his investigation.

43 Nörr, *Zur Stellung des Richters* 76.

44 Nörr, *Zur Stellung des Richters* 27s, points to Placentinus as one of the first authors.

45 Damhouder Josse de, *Praxis rerum criminalium* (Antwerp: 1601, reprint Aalen: 1978), C. 36 n. 4 & 7, 65.

46 Decock W., “The Judge’s Conscience and the Protection of the Criminal Defendant: Moral Safeguards against Judicial Arbitrariness”, in Marty G. – Musson A. – Pihlajamäki H. (eds.), *From the Judge’s Arbitrium to the Legality Principle. Legislation as a Source of Law in Criminal Trials*, Comparative Studies in Continental and Anglo-American Legal History 31 (Berlin: 2013) 69–94.

47 For the following cf. Rosoni I., *Quae singula non prosunt collecta iuvant. La teoria della prova indiziaria nell’età medievale e moderna* (Milan: 1995) 236–237.

- In case the judge had stronger indications (*indicia*), he could try to develop an opinion (*opinio*) concerning the suspect. Although there was still no full proof, the collected evidence against the defendant permitted a *poena extra-ordinaria*. This was a condemnation that only excluded capital punishment.
- Only *credulitas* or *fides*⁴⁸ allowed capital punishment, the *poena ordinaria*. This was obviously the equivalent of knowledge.

Once again we see how the *ius commune* drew up a set of distinctions that tried to explain the world. This involved a whole system in which Roman theology and the perspective of a judge were combined. Once again we see that lawyers following this classical, Roman lead could not regard private conscience as a deciding force. Only what was in accordance with the teaching of the Church had this authority. However, this was no longer an individual sentiment, but an officially recognized assertion. For this reason, Martín de Azpilcueta (1493–1586) distinguished between the ‘certain conscience’, with binding force like law, and the individual uncertain or scrupulous conscience, for which the Church offered the necessary treatment that should be given in the confessional.⁴⁹ Decisions based on individual conscience could lead to crimes and were treated as true sins.⁵⁰ Knowledge, on the other hand, presupposed an established truth, which the individual had to adapt by his senses.⁵¹ This remained for some centuries the dominant position of the Roman Catholic world.⁵²

Contrary to these jurisprudential restraints, however, judges were in reality usually compelled to obtain sufficient results. The pressure imposed on judges by Christian theology was eased more in theory than in practice. Judges had to prove their worth and the effectiveness of their tribunals. If they were to absolve culprits on a regular basis, nobody could presume that the courts secured justice in the realm. Instead, everybody would be afraid of God’s

48 For the notions of ‘credulitas’ and ‘fides’ in the *ius commune* literature cf. Lepsius S., *Von Zweifeln zur Überzeugung. Der Zeugenbeweis im gelehrt Recht ausgehend von der Abhandlung des Bartolus von Sassoferato*, Studien zur Europäischen Rechtsgeschichte 160 (Frankfurt a.M.: 2003) 122–140, 171–194.

49 Azpilcueta Martín de, *Manual de confessores y penitentes* (Salamanca, Andrea de Portonarii: 1557), c. 27 n. 275, 792.

50 Azpilcueta Martín de, *Enchiridion sive Manuale confessariorum et paenitentiorum* (Würzburg, Heinrich von Aich: 1586) prael. 9 n. 8, 67–68.

51 Azpilcueta Martín de, *Consiliorum sive responsorum libri quinque iuxta ordinem decreta-lijum dispositi* (Rome, Francesco Coattino and Giacomo Tornieri: 1590), vol. 2, cons. 4 de haereticis, lib. 5, 342 n. 2.

52 My *Recht der Reformation* 8–10, for the Roman epistemological position (Melchior Cano) 23–24, for the end of this confessional gap in European jurisprudence 276–290.

wrath. This meant there was substantial pressure on magistrates to obtain convictions. Judges had to acquire knowledge and establish the objective truth of their cases. They were generally unable to plead their nescience.

4 Omnes pertinent ad demonstrandam iudicis conscientiam

The fundamental flaw in this classical legal system was the assumption that individuals had to obtain an objective truth. Was this really perceptible to everybody, at least every good Christian, and does such an objective truth even actually exist in the first place? For a long time, Roman Catholic authors had no choice but to accept these rulings, because it was founded in the epistemology of their confession. For this reason, the Protestant Reformation had a serious impact on law as well.

Johann Oldendorp (1487–1567) was the first to protest against the assumptions and rules of *ius commune*. His first statement can be found in his book *Wat byllick unn recht ys*, which was published in 1529. Therein, he explained how Christians should apply the law. He first stated that every being and all ordinances had to obey God's will. Differences between men should not result in harm. Instead of looking for uniformity, everybody should define what he could contribute to the common good. In spite of all differences, everything that was useful to the community was to be called equitable. This also led Oldendorp to disagree with the legal tradition with respect to the office of judges. Every verdict should be based on the judge's personal conviction. Christ would expect every judge to decide not according to appearances, but to pass a righteous judgment (Jo 7:24).⁵³

In 1541 he edited a revised and longer version of this tract under the title *De iure et aequitate forensis disputatio*. Here he directly attacked the old authorities, in particular the opinion of Martinus and his dispute with his colleagues. For Oldendorp, Martinus had rightly suggested following the individual conscience of judges. Furthermore, he did not accept the difference between the public conscience of the magistrate and his private, inner opinion.⁵⁴ All proofs

53 Oldendorp Johann, *Wat byllick unn rechtys* (Rostock, Ludwig Dietz: 1529; reprint, Frankfurt a.M.: 1969) Fir–v, cap. “Efft eyn richter nha syner conscientien edder na anbringen der partheyen ördelen schöle”.

54 Oldendorp Johann, *De iure et aequitate forensis disputatio, secundum quam doctrina civilis cum in scholis tum in iudiciis tractari potest* (Cologne, Johannes Gymnich: 1541) 143–151, here 146; on Oldendorp cf. Witte Jr. J., *Law and Protestantism. The Legal Teaching of the Lutheran Reformation* (Cambridge: 2002) 154–176.

were only about informing the judge's conscience, so that Oldendorp did not deny their importance. As all things should try to fulfil God's will, judges were obliged to detect the truth using their inner convictions.

Oldendorp even referred to the mayor of Bologna who had seen a crime from his home window. How could he not decide following his own knowledge? Nobody could ignore the truth. The common opinion he therefore called 'falsissima'. Every judge should decide according to his conscience. Conscience for him was the inner decision on what is just or unjust. God had installed a conscience in everybody and for this reason it should be respected. Conscience, he stated, was worth a thousand witnesses.

Everybody could rely on judges and the court of appeal would always believe their conscience more than any witness or document. Judges, as wise and experienced men, would understand the value of the evidence presented to the court.⁵⁵ All this would lead them to understand the case. Their conscience was the voice of their inner decision.⁵⁶ As God had implanted this inner voice into all men's hearts, it was the way to detect frauds and to discover the truth. Therefore, conscience was the true means to protect justice.

These arguments have methodological and philosophical implications, and it took centuries to work them out. This is not the place to trace the major epistemological developments in Modern Times or even in the Protestant world. But due to their importance, some discussion about Melanchthon and Locke are necessary. This will explain how functional Oldendorp's approach could be. However, this does not imply that either author was in fact influenced by Oldendorp.

Melanchthon gave a new methodological importance to conscience. It is therefore probable that Oldendorp was influenced by the much younger Philipp Melanchthon, although the publications of the latter were printed only after *Wat byllick unn recht ys* and even mainly after *De iure et aequitate forensis disputatio*. 'Conscientia', together with 'ratio', Melanchthon declared, formed the remaining possibilities of knowledge. Although they considerably deteriorated after the original sin, God had decided to leave these damaged powers to mankind. For Melanchthon, this could only mean that man was compelled to use them. Nobody could assume a complete understanding or truth, but all men could work together in order to ameliorate their comprehension of

⁵⁵ Oldendorp, *De iure et aequitate forensis disputatio* 147: 'Omnes enim pertinent ad demonstrandam iudicis conscientiam'.

⁵⁶ Oldendorp, *De iure et aequitate forensis disputatio* 145: 'Nam conscientia est tacitum animi iudicium, per quod aut accusatur falsitas, turpitude: aut defenditur ueritas, honestasque, secundum infallibilem iusticiae a DEO nobis insculptae formulam'.

the world.⁵⁷ With Luther and Melanchthon, therefore, conscience acquired a new importance alongside 'ratio'. All knowledge was reduced to individual insight; no authority could claim to know the truth. With respect to this methodological approach, Oldendorp's arguments became more convincing.

Not only did knowledge differ in people, but the diverse sciences also had special methods of understanding the world. Melanchthon denied universal ways of perception. Mathematics, theology, or law would differ in their techniques, terminologies, and perspectives.⁵⁸ Thus, truth was slowly abandoned in favor of perspectives, probabilities, and transitional beliefs.

John Locke limited the possibilities of truth even further.⁵⁹ According to him every man was like a blank piece of paper. The 'conscious thinking thing' in him was influenced by will and followed his experience. Perception was possible, but the truth difficult to obtain. Principles and convictions would prevent men from true observation. Consequently, perception tended to be influenced by the individual. Everybody had the obligation to build up an inner conviction according to which he could assess the world. But this could not be an objective standard, which would lead people to understand their surroundings and to make decisions based upon them, but rather their individual perceptions, experience, and estimation.

With regard to judges, this did not strengthen their position. Any judge, surrounded mainly by criminals, would learn to generally regard men as villains. A judge's professional involvement made him susceptible to condemn even the innocent and to render harsher verdicts than necessary. Nobody could guarantee an objective assessment of the case anymore; there was no longer even the possibility of objective truth. Instead, everybody developed his own insight. 'Verity' therefore depended on these individual experiences and perceptions.

57 This was discovered by Wundt M., *Die deutsche Schulmetaphysik des 17. Jahrhundert*, Heidelberger Abhandlungen zur Philosophie und ihrer Geschichte 29 (Tübingen: 1939); Scattola M., *Naturrecht vor dem Naturrecht. Zur Geschichte des 'ius naturae' im 16. Jahrhundert* (Tübingen: 1999) 29–55; for more legal aspects cf. my "Erkenntnis durch ratio und conscientia: Die Begründung einer modernen Wissenschaftlichkeit des Rechts durch Melanchthons Naturrechtslehre", in Hasselhoff G. K. – Meyer-Blanck M. (eds.), *Religion und Rationalität*, Studien des Bonner Zentrums für Religion und Gesellschaft 4 (Würzburg: 2008) 179–220; short version in Spanish: "Conocimiento a través de ratio y conscientia: El significado del derecho natural de Melanchthon para el derecho moderno", in *Homenaje al Profesor José Antonio Escudero*, vol. 3 (Madrid: 2012) 1151–1171; Schmoeckel, *Recht der Reformation* 24–52.

58 My *Recht der Reformation* 60–67.

59 Locke John, *Essay concerning human understanding* [1689], ed. K. Winkler (Indianapolis: 1996) 294; Tully J., *An approach to political philosophy: Locke in contexts*, Ideas in context 25 (Cambridge: 1993) 179–241.

In the case of judges, their professional experience tended to even constitute a general risk for the defendant and society. Accustomed to lies and contact with criminals, judges risked developing a negative perspective of everybody. On the contrary, people without any court experience would be much less biased. Lay judges were therefore seen as much more apt to understand a case properly, to see the accused without resentment, and to render an unprejudiced verdict.⁶⁰

Consequently, Beccaria concluded that a jury system could achieve much better results.⁶¹ He demanded the introduction of lay judges and the abrogation of the old Roman-Canon law of proof. The jury seemed to be the necessary alternative.⁶² Everybody could become a judge, and the group had the chance to correct individual predispositions.⁶³ This led to the first experience of lay judges in Modern Times on the European continent during the French Revolution. This experience, however, induced the critics to think better of trained lawyers as professional judges.

Of course, the Roman-Canon law of proof had already been criticized for other reasons. The ideal of an objective evaluation of evidence according to common standards was an illusion. When the law required two trustworthy witnesses for a condemnation, it was in fact the judge who decided which testimony he regarded as reliable. Whether the judge stated the evidence as being sufficient for the condemnation or not, it was a decision based on his arbitrary evaluation. Jean Domat (1625–1696) dared to point out this fact,⁶⁴ which nobody could deny.

5 Results

As we have seen, the law has means of responding to the problems of ignorance and nescience. The burden of proof together with the question of competency was one solution. Here, the problem of nescience and ignorance for judges

60 For these reflections on Locke cf. my *Humanität und Staatsraison* 537–544.

61 Cf. Beccaria Cesare, *Dei delitti e delle pene*, ed. F. Venturi (Turin: 1994) § 14, 34–35.

62 Cf. Palazzolo G. A., *Prova legale e pena. La crisi del sistema tra evo medio e moderno*, Storia e diritto 6 (Naples: 1979) 15–16, 206–207.

63 Cf. Leca A., “Les principes de la révolution dans les droits civil et criminel”, in Imbert J. et al. (eds.), *Les Principes de 1789*, Collection d’histoire des idées politiques 3 (Aix-en-Provence/Marseille: 1989) 113–149, here 131.

64 Domat Jean, *Les loix civiles dans leur ordre naturel, le droit public et legum delectus*, vol. 1 (Paris, Etienne François Savoye: 1756), l. 3 tit. 6 sect. 1, n. 10, 247; for Domat’s position in this development cf. Marchetti P., *Testis contra se. L’imputato come fonte di prova nel processo penale dell’età moderna*, Pubblicazioni della facoltà di giurisprudenza, Università di Macerata 76 (Milan: 1994) 165–169.

could be denied completely. The judge simply controlled the procedure in order to ensure equal possibilities for both sides. The Ancient Roman model as conceived today gives an idea of how this could function. The relaxed position of these judges was possible because (1) they were not obliged to know the truth, even if the possibility of such knowledge was accepted. Their 'verdicts' were nothing more than 'opinions', but stated by the competent authority. (2) The parties had to provide all the proof for their position, so that the judge only had to respond to the evidence presented. It was the fault of the party alone if relevant material or aspects were not brought up.

Another approach was to rely on the judge's conscience, whether it was regarded as God's voice inherent in every man or as the result of professional experience. Professional skill and intuition solved the problem and replaced certain knowledge. The notions of justice and truth seemed like intruders into the field of law. Since one had to believe in the ability of the judge, however, one only changed the contents of one's faith.

The idea of binding judges to ethical or religious standards such as truthfulness and justice might help to enhance public reputation of the courts. It certainly was a means to impose Christian standards on everyday life. But there was no legal intention; instead this new approach used the courts for the purposes of the Church. Speaking strictly from a legal point of view, this was an abuse of public and legal authority—even if many of these ideas might be still accepted today.

There is no reason, however, for such lamentations on strange notions invading the law. The point is that law and legal procedure cannot ignore what society believes. It depends upon those convictions which form the common perception of the world. As legal procedure has to lead to cognition, the epistemological principles of the day will also guide the judges. And for this reason the public will understand their conclusions and agree with their sentences. Just as the Christian religion influenced European history during the past two millennia, the evolution of Christian theology also guided the law. Instead of emphasizing particular strategies of the law to cope with ignorance, a historical overview has to instead consider the law as a mirror of social development.

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Speaking Nothing to Power in Early Modern Germany: Making Sense of Peasant Silence in the *Ius Commune**

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The Imperial Aulic Court (*kaiserliches Hofgericht*) of Rottweil was a medieval foundation, and until its dissolution in 1784 exercised appellate civil jurisdiction over much of what is now southern Germany and some parts of northern Switzerland. Perhaps due to the destruction of over 90% of its surviving holdings in 1846,¹ the *Hofgericht* has not attracted much scholarly attention,² but during the seventeenth century it was regarded by some as second only in importance to the two supreme judicial bodies of the Holy Roman Empire, namely the Imperial Chamber Court (*Reichskammergericht*) in Speyer and the Imperial Aulic Court (*Reichshofrat*) in Vienna.³

* Abbreviations: Inst., Dig., Cod., Nov. = *Corpus Juris Civilis*, I: *Institutiones*, ed. P. Krüger, *Digesta*, ed. Th. Mommsen, 15th ed., 1928, II: *Codex Iustinianus*, ed. P. Krüger, 10th ed. 1929, III: *Novellae*, ed. R. Schoell/G. Kroll, 5th ed. 1928; CJCa = *Corpus iuris canonici*, Gregorian edition, i.e. I. *Decretum Gratiani*, II. *Decretales D. Gregorii Papae IX.* [= *Liber extra*], III. *Liber Sextus Decretalium* [...] *Una cum Clementinis & Extravagantibus* (Rome, in aedibus Populi Romani, s.n.: 1582) which was used instead of the modern Ä. Friedberg edition as it grants access to the *Glossa ordinaria*; D. = *Decretum Gratiani*; X = *Liber extra*; VI = *Liber sextus*; LF = *Liber feudorum*. The usual early modern abbreviations are kept as art. = *articulus*; cap. = *capitulus*; cent. = *centuria*; concl. = *conclusio*; cons. = *consilium*; decad. = *decada*; exerc. = *exercitatio*; q. = *quaestio*; def. = *definitio*; lib. = *liber*; lim. = *limitatio*; obs. = *observatio*; resol. = *resolutio*; resp. = *responsio*; tit. = *titulus*.

- 1 The largest surviving repository of records (211 charters and 674 files) is found in the Hauptstaatsarchiv Stuttgart, Bestand C1 (Hofgericht Rottweil).
- 2 The principal works are Feine H. E., “Die kaiserlichen Landgerichte in Schwaben im Spätmittelalter” *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Germanistische Abteilung* 66 (1948) 148–235; Scheyhing R., “Das kaiserliche Landgericht auf dem Hofe zu Rottweil”, *Zeitschrift für Württembergische Landesgeschichte* 20 (1961) 83–95; and Grube G., *Die Verfassung des Rottweiler Hofgerichts* (Stuttgart: 1969).
- 3 Moser Johann Jacob, *Von der teutschen Justiz-Verfassung* (Frankfurt a.M. – Leipzig, Johann Benedikt Metzler: 1774) Teil 2, book vi, chap. 1, 916 quotes a 1645 account ranking the *Hofgericht* Rottweil second only to the *Reichshofrat* in Vienna; a similar assessment is implicit in Bürkhlé Joseph Anton, *Des Freyen kayserlichen Land-Gerichts in Ober und Nieder-schwaben*,

In October of 1613, a peasant by the name of Martin Mayer from the village of Bingen (now in Landkreis Sigmaringen, Baden-Württemberg) submitted a plaint to the Rottweil *Hofgericht*, complaining of a monstrous injustice.⁴ For two generations, Mayer claimed, his kindred—first his father-in-law Hans Huber, and then Mayer himself—had farmed a modest agricultural holding (*Hof*) in Bingen of about 5 hectares. For more than a century, the property had been held as an heritable tenancy (*Erblehen*) at the modest rent of 3 pounds and 15 shillings, plus a nominal entry fine of a pair of gloves or a flask of wine due at each alteration of tenancy. Recently, however, Mayer's overlord had sought to impose on the holding a dramatic increase in rent, to reduce its formerly free tenants to serfdom (*Leibeigenschaft*), and—most outrageous of all—to deny the heritability of the property and reduce it to the status of a life-term tenancy (*Schupflehen* or *Fallehen*). The lord had been deaf to Mayer's protests, responding only with coercion and imprisonment.⁵

In January of 1614 Mayer's overlord, the junker and Imperial Knight (*Reichsritter*) Balthasar II von Hornstein (1555–1630), replied to the plaint by denying that the *Hof* in Bingen had ever been heritable. Mayer's false claim was merely the culmination of an effort begun in 1608 to shirk a legal obligation, which he had to that point been paying continuously since his first admission

auch auf Leytkircher Hayd und in der Cepürß Gerichtlicher Prozess (Frankfurt a.M. – Leipzig, Johann Konrad Wohler: 1742) vol. 1, Vorrede (unpaginated).

⁴ The records of Martin Mayer's case are found in Staatsarchiv Sigmaringen (hereinafter StAS), Bestand R7 (Akten des Reichskammergerichts), no. 88. For present purposes the most important of the eleven items is Quadrangel 6, the 900-page official copy of the records of the court of first instance, i.e. the *Hofgericht* Rottweil. Citations to this copy will take the form StAS, R7 no. 88, Q 6, and will include the folio number and name and date of the original document. – It is now widely accepted that peasant conflicts with their overlords became increasingly juridified in Germany over the course of the sixteenth century; the seminal study here is Schulze W., *Bäuerlicher Widerstand und feudale Herrschaft in der frühen Neuzeit* (Stuttgart: 1980). Yet almost all of the literature on this subject (see, for example, Sailer R., *Untertanenprozesse vor dem Reichskammergericht: Rechtsschutz gegen die Obrigkeit in der zweiten Hälfte des 18. Jahrhunderts* (Cologne: 1999) has focused on collective litigation. For useful reflections on the resort to appellate tribunals, especially the *Reichskammergericht*, by individual peasants, see TroßbachW., “Gar herrlichen [...] zu lesen bei dem Zasio: Die Einbeziehung von Prozessen bäuerlicher Untertanen gegen ihre Obrigkeit in die Kameraljudikatur”, in Battenberg J. F. – Schildt B. (eds.), *Das Reichskammergericht im Spiegel seiner Prozessakten: Bilanz und Perspektiven der Forschung* (Köln – Weimar, 2010) 63–91, esp. at 64. I am currently at work on a larger project investigating litigation by individual peasants against their overlords in the *Reichskammergericht* and *Reichshofrat*.

⁵ “Klageverkündung des Martin Mayers zu Bingen an der Lauchart (24 Oct 1613)”, StAS, R7 no. 88, Q 6, fols. 1r–15v.

to tenancy in 1584. Hornstein declared that he had attempted to bring about a mediated solution to the conflict, but that the plaintiff had refused to co-operate and had thereby brought imprisonment upon himself. In any case, the junker concluded, Mayer had freely accepted the non-heritability of the property after being released from prison, and was now attempting to go back on his word.⁶ Litigation then commenced in earnest. Mayer would die in 1615, but his widow Catharina Huber continued the struggle⁷ for another six years until the Rottweil *Hofgericht* ruled in her favor in November of 1621.⁸ The outraged Hornstein then appealed the verdict to the *Reichskammergericht* in Speyer⁹ (in whose files the Rottweil record has survived); the final outcome of the case is unknown.

Like any early modern European court, the Rottweil *Hofgericht* devoted a great deal of time in its review of Martin Mayer's case to a consideration of the evidence, i.e. of what the parties had allegedly done and said, of what had supposedly been spoken and written. The *Hofgericht* attended to this task with considerable diligence, and its final compilation of the evidence ran to almost a thousand pages of text. Rather more unusually, resolution of the case would ultimately turn on what had *not* been said, and on what that silence meant or should be taken to mean. As shall be seen, however, the *Hofgericht*'s engagement with an unconventional legal problem proceeded on the basis of entirely conventional authorities and doctrines. Martin Mayer's case thus represents a striking instance of what Edoardo Grendi famously termed an 'exceptional normal', a statistically abnormal incident whose very exceptionality forced the explicit articulation of what in truth were perfectly normal modes of thought and behavior.¹⁰

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Martin Mayer's suit against the junker Balthasar von Hornstein was in fact, an atypical legal conflict in multiple respects, since the incidents which led

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- 6 "Litis Contestatio negativa cum annexis responzionibus ad articulos libelli des Junkers Balthasar II von Hornstein (14 Jan 1614)", *ibidem*, fols. 16v–22r.
- 7 "Gewalt des Anwalts der Witwe Catharina Hueber (29 Jul 1615)", *ibidem*, fols. 444r–447r.
- 8 "Endurteil des Hofgerichts Rottweil (2 Nov 1621)", *ibidem*, fols. 450v–452v.
- 9 "Libellus appellationis articulatus des Junkers Balthasar II von Hornstein (ps. 27 Aug 1622)", *StAS*, R7 no. 88, q. 7.
- 10 Grendi E., "Microanalisi e storia sociale", *Quaderni Storici* 35 (1977) 506–520. Grendi's thoughts are best known to non-Italian scholarship through the widely-translated and republished Ginzburg G., "Micro-History: Two or Three Things that I know about it", *Critical Inquiry* 20 (1993) 10–35.

to the dispute represented a reversal of the basic pattern in the development of German land tenure, i.e. the generalized spread of heritable tenancy and secure peasant property rights since the later Middle Ages. Heritable tenancy was certainly not universal. Bingen lay on the edge of Upper Swabia, itself part of a larger south German zone (including much of Bavaria and parts of the region around Salzburg) where life-term tenancy (also known as *Leibrecht*, *Herrengunst*, or *Gotteshausrecht* in ecclesiastical lordships) persisted throughout the early modern period, especially on larger holdings.¹¹ During the years of renewed demographic pressure during the later sixteenth and early seventeenth centuries, some overlords did also convert a few previously heritable tenancies back into life tenancies, but these undertakings were atypical, created resentment, and were in any case usually accomplished by buying back the *Erblehen* and then reletting it as a *Schupflehen*.¹² Mayer's plaint implied something rather different: the coercive and flagrantly illegal confiscation of peasant property without compensation of any kind.

Mayer's lawsuit also represented the culmination of a long-running series of politicized conflicts between the peasants of Bingen and their overlords.¹³ The village was the site of the complex and rival jurisdictional claims of three different overlords: the Benedictine imperial abbey (*Reichsstift*) of Zwiefalten, the counts (after 1623 princes) of Hohenzollern-Sigmaringen, and the lords of Hornstein. Bingen thus held the legal status of a 'free village,' which meant not

¹¹ Terms (and terminologies) of land tenancy varied from region to region, and within regions from lordship to lordship. In general, however, it is safe to say that in southern Germany, life-term tenancies were usually burdened with both heavier annual rents (*Gült, Zins*) and heavier entry-fines (*Erdschatz, Handlohn*) than heritable tenancies, but were also usually larger in area. Note also that the territorial fragmentation of southwestern Germany made it much more likely than in many other parts of the Holy Roman Empire (e.g. Bavaria or Saxony) for a peasant to be subject to different authorities concerning lordship over land (*Grundherrschaft*), lordship over personal (i.e. free or servile) status (*Leibherrschaft*) and lordship over criminal and civil jurisdiction (*Gerichtsherrschaft*), Holenstein, A., *Bauern zwischen Bauernkrieg und Dreißigjährigen Krieg*, Enzyklopädie deutscher Geschichte 38 (Munich: 1996) 30–34; see also Hippel W. von, *Die Bauernbefreiung im Königreich Württemberg* (Boppard a. Rhein: 1977) vol. 1, 106–120 on *Fallehen/Schupflehen*.

¹² For an example from 1609–1612 in the lordship of the Imperial Abbey of Rot an der Rot, see Holenstein A., *Die Huldigung der Untertanen: Rechtskultur und Herrschaftsordnung (800–1800)* (Stuttgart – New York: 1991) 311–315.

¹³ The earliest modern account of the conflict is Hornstein-Grüningen E. Freiherr von, "Ein zweihundertjähriger Prozeß zwischen den Grafen von Zollern und denen von Hornstein", *Mitteilungen des Vereins für Geschichte und Alterthumskunde in Hohenzollern* 36 (1902/3) 93–108. See also Hornstein-Grüningen E. Freiherr von, *Die von Hornstein und von Hertenstein Erlebnisse aus 700 Jahren: ein Beitrag zur schwäbischen Volks- und Adelskunde* (Konstanz: 1911) 210–213, 219–223, 246–251.

that it was free of lordly jurisdiction, but only that no single lord enjoyed exclusive jurisdiction there. Pursuant to an agreement of 15 March 1494, each of the three lords was entitled to provide four men to sit on the village's governing council of twelve, but at the same time could exercise direct jurisdiction only over his 'own' people.

The peasants of Bingen certainly sought to maximize their own advantages in this context, and rapidly acquired a reputation for stubborn resistance to the claims of their overlords. So effective was their obstruction that in 1551 the exasperated monastery of Zwiefalten sold all of its 28 tenancies in the village—among them the *Hof* that Martin Mayer would take up in 1584—to the Hornsteins for 45,000 *gulden*.¹⁴ Sensitive to the ways in which this transfer might affect their room to maneuver, the villagers promptly filed suit in the Rottweil *Hofgericht* in an effort to block the sale. When the *Hofgericht* ruled against them in 1577, they appealed the judgement to the *Reichskammergericht* in Speyer. This tribunal also ruled against them (1583),¹⁵ but the legal victory only afforded the Hornsteins a brief respite before the villagers in 1602 began refusing to pay the taxes (turk-taxes) he was seeking to collect on behalf of the Holy Roman Emperor. The tax dispute culminated in litigation before the *Reichshofrat* in Vienna, in the course of which the peasants secured the intervention of Archduke Maximilian of Austria (1558–1618), Count of Tyrol and son of the Emperor Maximilian II.¹⁶ The various disputes were eventually resolved by the so-called Meiningen Vertrag of 24 May 1610, the effect of which was to confirm both the transfer of the Zwiefalten properties to Hornstein and the villagers' legal obligation to pay imperial taxes, but also to proclaim that the obligations of individual peasant tenancies were to remain as they had been in the past (i.e. under the Zwiefalten lordship).

¹⁴ Sulger Arsenius, *Annales imperialis monasterii Zwifaltensis* (Augsburg, Maria Magdalena Utzschneider: 1698) pars II, saeculi V, periodus III, cap. III, 140. There is a copy of the deed of sale (21 May 1551) in StAS, FAS DS 1 T 1–5 R 75, 183.

¹⁵ The (incomplete) casfile from this round of litigation survives as Hauptstaatsarchiv Stuttgart, Bestand C3 (Reichskammergericht), Bü 386. The court's 1 Oct 1583 judgment is found in StAS, R7 no. 88, Q 6, fols. 250v–251r, "Urtheil zu Speyr – Litera B: Hornstein contra Bingen". The records kept by the Hornstein lordship are now found in StAS, Ho 80 T 1, no. 258, "Witwe und Kinder des Bruno von Hornstein c[ontr]a die von Zwiefalten erkauften 28 widerspenstigen Bauern von Bingen Verweigerung der Huldigung und des Gehorsams etc. betreffend" (1556–1583).

¹⁶ Österreichisches Staatsarchiv, Haus- Hof- und Staatsarchiv, Reichshofrat Judicialia, Alte Prager Akten 79–10 and 23–24. The Archduke's *Fürbittschreiben* of 31 Oct 1603 is found in the second file. There is a brief discussion of the 1602 episode in Schulze, *Bäuerlicher Widerstand* 53.

While the various overlords regularly harped on the ‘unruliness’ and ‘insolence’ of the Bingen peasants (a perspective preserved in early twentieth century genealogical publications by descendants of the Hornsteins), the primary source of disorder in the village was clearly the jurisdictional competition between the rival lordships. It was this rivalry which undermined efforts in 1431 and again in 1507 to establish a unitary local government and court in Bingen.¹⁷ During the later sixteenth century the competition degenerated into a series of armed incursions into the village and surrounding woods to seize and imprison subjects of a rival lord for alleged jurisdictional violations.¹⁸ Intermittently suspended by a series of accords and resolutions,¹⁹ the jurisdictional conflict, litigation and armed occupations would persist through the seventeenth and into the eighteenth century until the Hornstein lords finally sold their interests in Bingen to the house of Hohenzollern-Sigmaringen in 1787.

Less public, but for Martin Mayer and his neighbors no less important, than the competition among rival overlords for jurisdiction over Bingen was a campaign by the Hornsteins to consolidate power over the peasants within the village. Between 1550 and 1609 Bruno VI von Hornstein (1511–1554) and his son Balthasar undertook a sustained effort to buy up smaller peasant properties in Bingen. Documentation of at least sixty such transactions totaling almost 4,000 *gulden* has survived,²⁰ and although the sales seem to have been voluntary,²¹ their effect was clearly to tighten the junker’s grip on the village. It is against this dual background of the consolidation of lordship and persistent (but only partially successful) peasant resistance that Mayer’s legal struggle over the land should be viewed.

¹⁷ Bader K. S., *Dorfgenossenschaft und Dorfgemeinde* (Cologne: 1962) 344 offers a more recent and balanced perspective than the one found in von Hornstein-Grünigen.

¹⁸ These clashes are documented in a series of *Reichskammergericht* lawsuits in 1576–79 in StAS, R7, no. 85–87.

¹⁹ Some of these were published as Lit. IIII, nos. 1 (“Extract Riedlingischen Vertrags de dato 30 Septembris 1578”), 2 (“Extract Meiningischen Vertrags de dato 24 May 1610”) and 3 (“Extract Bingischen Gerichts-Buchs und Dorffs-Ordnung von beiderseits Obrigkeiten gesetzt den 10 Novembr. 1580”) in Anonymus, *An die Römisch-Käyserliche Auch zu Hungarn und Böheim [et]c. Königliche Majestät [...] Der Reichs-Ritterschaft in Schwaben Aller Fünff Orth wohl fundirte Gegen-Deduction* (Nuremberg, Peter Paul Bleul: 1697) 123–124.

²⁰ Details in StAS, FAS DS 1 T 1–5 R 75, 185–262.

²¹ The 1581 prosecution of Georg Scheffold of Bingen for insulting the lordship seems too remote in time from Scheffold’s 1606 sale of some land to Balthasar II von Hornstein for the two to be causally related, cf. StAS, Ho 80 T 1 no. 260 and DS 11–5 R 75, 262.

Martin Mayer was represented before the Rottweil *Hofgericht* by Dr. Gedeon Scherlin, a native of Rottweil who matriculated at the University of Freiburg in 1589 and received his baccalaureate of arts in 1591.²² Himself the son of a lawyer and procurator at the *Hofgericht*, Gedeon proceeded to the study of law, and eventually defended no fewer than three separate legal disputations at Freiburg, the first on the vocation of a procurator (1594), the second on the law of injuries (1595) and the third on the modes of acquiring fiefs and tenancies (1596).²³ In that same year, Scherlin took up the procuratorship recently vacated by the death of his father, and went on to serve at the *Hofgericht* for more than thirty years until at least 1632.²⁴

These biographical details matter, because they underscore the fact that Mayer's property claims would be evaluated at Rottweil through the formal categories of the romano-canonical tradition, or *Ius Commune*. The earliest medieval Roman Law commentators (the 'Glossators' of the twelfth and thirteenth centuries) had assimilated heritable peasant land tenure to the late antique lease contract known as *emphyteusis*, pursuant to which the lessee (or *emphyteuta*) was required to pay an entry fine (*laudemium*) and annual rent (*canon*) for the land, but thereby gained an heritable and alienable right to work it at a fixed rent. Late Roman Law did not regard the *emphyteuta* as the owner of the land, but it explicitly declared *emphyteusis* to be something more than a mere lease (Cod. 4.66.1), and it afforded the *emphyteuta* a cause of action (the *actio vectigalis*) should the landlord or anyone else seek to infringe on his rights (Dig. 39.2.15.26). Furthermore, whereas in classical Roman Law the right of property (*dominium*) was both absolute and indivisible, the Glossators decided that in some kinds of relationships (especially those between overlord and vassal),

²² Mayer H. (ed.), *Die Matrikel der Universität Freiburg im Breisgau von 1460–1656* (Freiburg i. Br.: 1907–1910), vol. 2, 636 (Entry #31).

²³ Scherlin Gedeon Rottwilensis (defendens) – Tucher Johann Heinrich (praeses), *Disputatio iuridica de procuratoribus: ex utroque iure decerpta* (Freiburg i.B., Martin Böckler: 1594); Scherlin Gedeon Rottwilensis (defendens) – Metzger Thomas (praeses), *De iniuriis conclusiones iuridicae* (Freiburg i.B., Martin Böckler: 1595); Scherlin Gedeon Rottwilensis (defendens) – Streit Jacob (praeses), *Has subsequentes de feudi acquisitione conclusiones* (Freiburg i.B., Martin Böckler: 1596).

²⁴ Grube, *Verfassung des Rottweiler Hofgerichts* 102, 116, 183–185, 239–240; Reichenmiller M., *Das ehemalige Reichsstift und Zisterzienserinnenkloster Rottenmünster: Studien zur Grundherrschaft, Gerichts- und Landesherrschaft* (Stuttgart: 1964) 142; Kuhn-Rehfus M., "Die soziale Zusammensetzung der Konvente in den oberschwäbischen Frauenzisterzen", *Zeitschrift für Württembergische Landesgeschichte* 41 (1982) 7–31, here 26.

there must be two kinds of *dominium*, the *dominium directum* retained by the overlord and the *dominium utile* enjoyed by the vassal. By the time of Bartolus of Sassoferato (1314–1357), if not before, medieval lawyers had decided that the *emphyteuta* was also in possession of the *dominium utile*,²⁵ and by the later 16th century *emphyteusis* was the subject of a steady stream of specialist treatises in addition to the attention it conventionally received in general commentaries on Roman Law and in the collected opinions of individual jurists on particular cases, a practice-oriented genre usually known as *consilia*.²⁶

Early modern commentators saw *emphyteusis* as a very robust right, and few therefore felt the need to specify, as did the Portuguese jurist Alvaro Vaz (1526–1593), that it was ‘contrary to justice and equity’ for a prince to deprive the *emphyteuta* of his land without cause.²⁷ Most commentators instead focused their attention on other issues, debating how many years of non-payment of rent had to elapse before the *emphyteuta* could be evicted (the consensus, relying on Cod. 4.66.2, was three),²⁸ and exploring more extreme cases, e.g. whether or not manifest ingratitude to a lord,²⁹ or even the use of the home

²⁵ On the jurisprudential history of the *dominium utile*, see Feenstra R., “Les origines du *dominium utile* chez les Glossateurs avec une appendice concernant l’opinion des Ultramontani” in Feenstra R. – Lokin J. H. A. – Wal N. van der (eds.), *Flores legum H. J. Scheltema oblati* (Groningen: 1971) 49–93 and also his “Dominium and *ius in re aliena*: The Origins of a Civil Law Distinction” in Brinks P. (ed.), *New Perspectives in the Roman Private Law of Property* (Oxford: 1989) 111–122. More recently, see Rüfner T., “The Roman Concept of Ownership and the Medieval Doctrine of *Dominium Utile*” in Cairns J. W. – du Plessis P. J. (eds.), *The Creation of the Ius Commune: From Casus to Regula* (Edinburgh: 2010) 127–142.

²⁶ Early modern German jurisprudence on peasant property and personal rights is helpfully surveyed in Schulze W., “Die Entwicklung des ‘deutschen Bauernrechts’ in der Frühen Neuzeit”, *Zeitschrift für Neuere Rechtsgeschichte* 12 (1990) 127–163.

²⁷ Such a deprivation ‘displicere merito debent, quia iustitiae et aequitati repugnant’, Vaz Alvaro, *Quaestiones emphyteutici* (Frankfurt a.M., J. T. Schönwetter: 1599) q. III, no. 10, 23.

²⁸ Claro G., *Receptarum sententiarum opera omnia* (Frankfurt a.M., N. Bassaeus: 1590), lib. IV, § “Emphyteusis”, q. 8, no. 1, 137. One of the most exhaustive early modern discussions of this question is Corboli Aurelio, *De iure emphyteutico: Tractatus novus et utilissimus, in quo continentur causae quibus emphyteuta iure suo privatur* (Cologne, Johann Gymnicus: 1589) cap. xv, 382–636.

²⁹ Vaz seems to have authored the first explicit rejection of the idea that ingratitude can cost the *emphyteuta* his rights, but the same stance continued to be maintained in both civil and canon law; see Voet Johannes, *Commentarius ad Pandectas* (Leiden – Den Haag, Johannes Verbessel – Abraham de Hondt: 1698–1704) vol. 1 (1698) ad Dig. 6.3, no. 48, 455; Peter Müller’s *Additiones to Struve Georg Adam, Syntagma jurisprudentiae secundum ordinem Pandectarum* (Frankfurt a.M. – Leipzig – Nürnberg – Jena, Johann

for illicit and dishonest purposes, were grounds for forfeiture (no in both cases because, as Vaz put it, the *emphyteuta*, unlike the tenant for fixed term, is still the *dominus utilis*).³⁰

The heritability of land held in *emphyteusis* was taken very seriously. Ever since Bartolus of Sassoferato there had been an extended discussion of the case where an emphyteutic lease had expired, either because it had been leased for a limited number of generations or because the original tenant's direct line of descent had died out. The question was whether the surviving collateral heirs could still claim the property. Bartolus, in a rather tendentious interpretation of Dig. 43.20.41 (which relates to the right to conduct water!), had maintained that they could.³¹ The opinion was not without its critics, most trenchantly Andrea Fachinei, who taught at the University of Ingolstadt from 1587 to 1597.³² Yet the *aequitas Bartolina*, as the doctrine came to be called, seems to have been the dominant view, and in his survey of the question in 1633, Thomas Maul declared that most jurists accepted it.³³

The jurisprudential analysis of emphyteutic right was of critical importance in Martin Mayer's case because of the way it narrowed the grounds on which his overlord could deny the heritability of the *Hof*. Hornstein's seemingly most compelling argument—that the property had never been an *Erblehen*—was less effective than he might have hoped, because the surviving written record was in fact quite ambiguous. Copies of documents dating back to 1494 were submitted to the Rottweil *Hofgericht*, but they only described the property in the most general of terms as a 'tenancy' (*Lehen*) without specifying what kind. Early modern jurists certainly agreed that explicit documentation

Hoffmann – Johann Zacharias Nisius: 1692) exerc. xi, lib. vi, tit. iii (i.e. ad Dig. 6.3), thesis 72, comment λ on 729 and Leuren Peter, *Forum ecclesiasticum* (Mainz, Johann Mayer: 1717–1720) lib. iii, tit. 18, q. 383, no. 2, 256.

³⁰ Vaz, *Quaestiones emphyteutici* q. XXIII, 247.

³¹ Bartolo da Sassoferato, *In primam partem Digesti Novi [...] commentaria* (Basel, Eusebius Episcopius: 1588) ad verbum 'permittitur' (Dig. 43.20.41) 468–469.

³² Fachinei Andrea, *Controversiarum iuris libri decem* (Cologne, Johann Gymnich: 1604) lib. I, cap. 100, 113–114. Fachinei drew on another influential doubter, Gail Andreas von, *Practicarum observationum libri duo* (Cologne, Johann Gymnich: 1578) lib. II, obs. 148, no. 2–3, 439. Gail argued that in renewing an expired emphyteutic lease it was more benevolent of the overlord to regrant it to the heirs of the previous tenant, but that he could not be legally obliged to do so.

³³ Maul Thomas, *Tractatus de emphyteusi* (Frankfurt a.M., Johann Friedrich Weiss: 1633) tit. ix, no. 9, 54, citing twenty-seven authorities in favor and ten opposed. Among the more influential supporters of Bartolus' view were Corboli, *De iure emphyteutico* cap. v, no. 5, 21–22 and Claro, *Receptarum sententiarum* lib. iv, § "Emphyteusis", q. 43, no. 1, 169.

was advantageous in proving emphyteutic right, but they were divided over whether it was actually necessary.³⁴ The junker's claim was further hampered by his need to prove that the property had always yielded more than the minimal rent (£ 3 15 s.) asserted by Mayer. The rent roll copies Hornstein submitted did record the additional receipts of an annual *malter* (\approx 2 hectolitres) of both oats and unhusked spelt (*Vesen*) plus three chickens and five dozen eggs, but the fact that the enhanced receipts were documented only from the first year of Mayer's tenancy (1584), while rent rolls were available at least as far back as 1567, hinted strongly that the rent had then been increased from an earlier level.³⁵

The most awkward piece of written evidence was a mortgage taken out by an earlier tenant, Thomas Ruff, in 1556. Like the other documents, the mortgage only described the *Hof* in ambiguous terms as a tenancy (*Lehengut*), but it also clearly described the property as 'free and unencumbered except for an annual payment of three pounds and fifteen shillings'.³⁶ More fundamentally, the simple existence of the mortgage was powerful presumptive evidence of

34 Claro, *Receptarum sententiarium* lib. iv, § "Emphyteusis", q. 4, no. 1, 135 and Doneau Hugues, *Hugonis Donelli [...] commentariorum de iure civili libri sex* (Frankfurt a.M., Johann Wechel: 1597) lib. ix, cap. 13, 445, insist that a written document is necessary. Mynsinger von Frundeck Joachim, *Responsorum iuris sive consiliorum decades decem sive centuria integra* (Basel, Eusebius Episcopius: 1576) decad. vii, resp. lxvi, no. 5, 581, and Wesenbeck Matthaeus, *In Pandectas iuris civilis et Codicis Iustinianei libri VIII commentarii* (Basel, Eusebius Episcopius: 1579) ad Dig. 6.3, no. 2, 103, deny that a document is absolutely necessary, but do not offer any further specifications. Vaz, *Quaestiones Emphyteutici* q. vii, no. 2–3, 50–53 acknowledges that this is a much disputed question, but argues that documentation is necessary only for legal proof—but not for the substantive validity—of the grant of tenancy; a similar view is expressed in Vinnius Arnold, *In quatuor libros institutionum imperialium commentarius academicus et forensis* (Amsterdam, Daniel Elzevir: 1665) ad Inst. 3.24, no. 8, 671. A particularly detailed discussion is found in Fulginei Francesco, *Tractatus de iure emphyteutico* (Geneva, Leonard Chouët: 1665) tit. "Praeludiorum", q. 14, 12–17. Fulginei ultimately agrees that written documentation is necessary for the proof, if not for the substance, of the tenancy. Yet after noting the commentary of the canonist Mariano Socini on x 2.20.17 that it would be 'greatly iniquitous' if writing were the *only* way of proving the tenure, Fulginei goes on (no. 37, 16) to argue that the requirement of writing 'does not apply when the document has been lost, for in that case witnesses are accepted for proof just as [readily] as a document, and are accorded the same credit' ('non habere locum, quando scriptura esset deperdita: quia tunc testes ad probationem admittuntur aequae, ac instrumentum, et eandem fidem facerent').

35 Extracts under various titles ('außer einem Register, außer dem Zinsbuch, außer dem Gült- und Zinsbuch', etc.) from 1567–1609, StAS, R7 no. 88, Q 6, fols. 252v–288r.

36 "Kopie einer Zinsverschreibung (23 Mar 1556)", ibidem, fols. 126r–130r.

the property's emphyteutic status, as it was widely accepted that only heritable *Erblehen* properties could be encumbered by a mortgage,³⁷ whereas lifeterm *Schupflehen* properties could not.³⁸ Hornstein protested (predictably) that the

- 37 Although Dig. 13.7.16.2 clearly authorizes the *emphyteuta* to mortgage his landholding, the question continued to generate much discussion among early modern jurists, not least because Cod. 4.51.7 explicitly forbade the mortgage of properties whose sale was also prohibited. Influential and resolute assertions of the *emphyteuta*'s right to mortgage his land even without the permission of the overlord appeared in Corboli, *De Iure Emphyteutico* cap. xiv, lim. 33, 348–349 and Negusantius de Fano Antonius, *De pignoribus et hypothecis* (Lyon: Jacob Giunta: 1549) pars II, membrum 3, nos. 6–9, 57–62, 76, fols. 16r, 21v–23r, 24r–v. They were joined by Claro, *Receptarum sententiuarum lib. iv*, § “Emphyteusis”, q. 18, 154, Doneau Hugues, *De pignoribus et hypothecis* in his *Opera priora* (Frankfurt a.M., Martin Lechler: 1589) cap. x, 134, Mynsinger, *Responsorum iuris decad. VII, resp. LXVI*, no. 10, 583–584 and Maul, *Tractatus de emphyteusi* tit. VII, no. 14, 41. In Germany, dissenters typically conceded that the right was allowed by the *ius commune*, but emphasized its subsequent abridgement by territorial statutes (e.g. the 1572 Saxon *Vorordenungen und Constitutionen des Rechtlichen Proces* pars II, const. 23 and the 1616 Bavarian *Gandprozessordnung* tit. II, art. 20, both of which required an overlord's consent for the encumbrance of an heritable tenancy). See Moller Daniel, *Semestrium libri quinque* (Leipzig, Henning Grosse – Michael Lantzenberger: 1594) lib. IIII, cap. 45, nos. 5–6, 365–367, Carpzov Benedikt, *Iurisprudentia forensis Romano-Saxonica* (Frankfurt a.M., Clemens Schleich: 1638) pars II, const. XXII, def. 22, 618–619 and Balthasar Johann Franz, *Practicarum resolutionum iuris civilis et Bavarii* (Augsburg, Johannes Praetorius: 1660) tomus II, pars IV, tit. XV, resol. IIII, 422.
- 38 As a regional phenomenon with no precise equivalent in late Roman law, the life-term lease did not prompt as much juristic commentary as *emphyteusis*, and then largely after the mid-seventeenth century. Those who denied the *emphyteuta*'s unilateral right to encumber his heritable tenancy of course denied this right to those who held land as *Fallehen* (usually latinized as *vitalitium*); thus Chlingensperg Christoph von, *Disputatio iuridica de iure emphyteutico: Ad intellectum Chur-Bayrische Landrecht Tituli XXI. Von der Grund-Herrn Gerechtigkeit, zu ihren Güteren, auch umb der Bauleuth, Erbrecht, und Leibgeding* (Ingolstadt, Thomas Grass: 1691) cap. VII, assertio 79, 132–133. A few jurists did uphold the tenant's right to borrow money against a *Fallehen*, most influentially Blumblacher Christoph, *Tractatus de jure emphyteutico, vitalitio et jure precariae: vulgo von Erb-Recht, Leibgeding und Freystift-Recht* (Salzburg, Johann Baptist Mayr: 1661) q. XIV, no. 3, 169–170. Even Blumblacher, however, conceded that the tenant could only be considered to have encumbered his use-right (*commoditatem et perceptionem fructuum*) rather than the land itself. Perhaps the clearest statement of the differential hypothecation rights for heritable and lifeterm tenancies (i.e. allowed in the former and forbidden in the latter case) is found in Schoepff Wolfgang Adam (praeses) – Korn Johannes Daniel (respondens), *De bonis vitalitiis Sveviae [...] Fall- und Schupff-Lehen* (Tübingen, Hiob Franck: 1718) cap. III, § 7, 29. As far as contemporary practice goes, the records of other Swabian lordships make it abundantly clear that conveyances of, and borrowings against, life-term tenancies could only be registered with reference to the use right, rather than the actual land itself. See, for

mortgage was taken out without the authorization of the lordship and was thus null and void,³⁹ but this was a transparently specious claim, as the extracts of the junker's own rent rolls made it clear that the authorities were aware of the mortgage, and even collected a fee of four *batzen* from Martin Mayer in 1587 for the registration of the mortgage document.⁴⁰

In sum, for all its imperfections, the balance of the written evidence suggested that Martin Mayer's property had indeed once been held as an *Erblehen* and that Hornstein had unilaterally raised the rent (the subsequent testimony of Georg Keller, who had kept Hornstein's accounts for many years, would later directly confirm this second point).⁴¹ Hornstein therefore deployed a second argument, namely that even 'if this property in past years had been an *Erblehen*, nevertheless in virtue of [...] such longstanding *praescriptio* it became a *Fall Lehen*'.⁴²

Prescription (*praescriptio longi temporis*) was a Roman legal institution (cf. Cod. 7.39.3) which allowed an individual to gain ownership of another's property through its long-term possession (it was thus roughly equivalent to the English common law principle that property may be acquired through adverse possession). The property had to have been acquired in good faith, and possession had to be continuous and uninterrupted. In Martin Mayer's day the required length of time to acquire the *dominium utile* through prescription was thirty years in both theory and practice.⁴³ These rules were well known to all

example, the peasant sale deeds in Staatsarchiv Augsburg (hereinafter StAA), Reichsstift (hereinafter RS) Ottobeuren, Band 904 ("Briefprotokolle 1607–12"), fols. 27r (15 Feb 1608), 49v–50r (22 May 1608), 58r (2 Jun 1608), 132r (19 May 1609), 166v (9 Jan 1610) and 220r–v (7 Dec 1610).

39 "Articuli defensionales des Junkers Balthasar II von Hornstein (14 Jan 1614)", Art. 41, StAS, R7 no. 88, Q 6, fol. 204r.

40 The mortgage obligation is regularly recorded in the extracts from the Hornstein rent rolls from 1584 to 1599; the recording fee is found in "Extract Ußer dem Zinßbuch siben und achtzig", ibidem, fol. 263v.

41 Testimony of Georg Keller, Vogt zu Uttenweiler, "Depositio testium (20–24 Jul 1617)", ibidem, fols. 292v–293r.

42 "Articuli defensionales des Junkers Balthasar II von Hornstein (14 Jan 1614)", Art. 39, ibidem, fol. 203v.

43 These standards were originally developed in the later Middle Ages in contemplation of the scenario in which an overlord resumed the possession of property previously granted out to a vassal. The most influential late medieval thinker on the prescription of the *dominium utile* was Baldus de Ubaldis in his commentary on the *Libri feudorum*, cf. Baldus de Ubaldis, *Super feudis*, with additions by Andrea Barbatia (Lyon, Jacob Giunta: 1545) ad verbum "Si quis per triginta [LF, lib. II, tit. 26, § 5]", no. 11, fol. 46r. Baldus' influence—particularly the emphasis on good faith—is clearly evident in the work of early modern

involved in Mayer's case (they were in fact explicitly laid out in the 1596 disputation defended by his advocate Gedeon Scherlin).⁴⁴ Moreover, in the case of a lord seeking to extinguish emphyteutic right by prescription, most jurists further stipulated that the land had to have been reclaimed and then not leased out again for the required thirty-year period.⁴⁵ Since Mayer had begun protesting within twenty-four years of assuming tenancy, and had in any case been working the land throughout the intervening period, Hornstein's case for prescription was rather weak.

The cumulative effect of these evidentiary and jurisprudential considerations was that the junker was ultimately obliged to demonstrate that Martin Mayer had actually consented to his overlord's terms of tenancy. Neither plaintiff nor defendant contested the fact that Mayer had in fact paid the high grain and cash rent without objection from 1584 to 1608, nor that in the fall of 1613 he had, upon release from prison, suspended the rent strike and withdrawn his claim that the *Hof* was an *Erblehen*. At issue was what Mayer's silence had meant for the first twenty-four years and what his concession had subsequently meant in 1613.

The 1613 change of heart was in some respects the simpler problem, because the essential question was whether or not Mayer's concession had been freely made. Hornstein argued that his aristocratic reputation entailed that the presumption should run in his favor against any suggestion of ill treatment. Mayer's advocate countered by invoking the widely accepted principle of both secular (esp. Dig. 4.2) and canon law (esp. X 1.40)⁴⁶ that a promise or concession

German jurists, including Mynsinger von Frundeck Joachim, *Singularium observationum iudicii imperialis centuriae quatuor* (Basel, Nikolaus Episcopius: 1563) cent. iv, obs. 28–29, 135–136; Borcholten Johannes, *Commentaria in consuetudines feudorum* (Helmstedt, Ludecke Brandes: 1591) cap. viii, § “De praescriptione tertio modo, quo feudum acquiritur”, no. 4, fol. 174r; Rosenthal Heinrich von, *Tractatus et synopsis totius iuris feudalis*, 2 vols. (Speyer, Johann Lancelot: 1597–1600) vol. 1, cap. vi, concl. 83, no. 1, 350 and Bocer Heinrich, *Tractatus de praescriptione feudi* (Tübingen, Theodor Werlin – Frankfurt a.M., Johann Berner: 1616) cap. ii, nos. 8–9, 34–35. On Baldus' wider importance as a theorist of good faith, see Gordley J., “Good faith in contract law in the medieval *ius commune*” in Zimmermann R. – Whittaker S. (eds.), *Good Faith in European contract law* (Cambridge: 2000) 93–117.

⁴⁴ Streit – Scherlin, *de feudi acquisitione conclusiones* fol. B2, theses 38–41.

⁴⁵ Maul, *Tractatus de emphyteusi* tit. v, no. 7, 15; Carpzov, *Iurisprudentia forensis Romano-Saxonica* pars ii, const. 38, def. 15, 766; Tabor Johann Otto [praeses] – Millitz Heinrich von [respondens], *Disputatio synoptica de jure emphyteutico* (Straßburg: Johann Andrea, 1643) thesis 84.

⁴⁶ *CJCa* II, 477–485.

was not binding if extorted through an excess of fear, with excessive fear defined in terms of that which would shake the resolve of the 'constant man' (*vir constans*).⁴⁷ These principles served to focus attention on the details of Mayer's imprisonment, since the authorities cited by advocate Scherlin plainly stated that chains and prison certainly amounted to the sort of fear which would shake the constant man.⁴⁸ The junker's lawyer was thus forced into the palpably awkward position of insisting that Mayer had only had his feet (but not his hands) locked up in the stocks, that he had not been thrown into the deepest dungeon, but only the 'middle' dungeon located at ground level, and that this had happened not, as the plaintiff had alleged, in a season of frost and cold, but 'only in the good, warm summertime'.⁴⁹

Martin Mayer's seeming acquiescence in the original 1584 terms of tenure presented a more complicated legal problem. Did his twenty-four years of silence amount to consent? Hornstein held this to be self-evident, arguing that Mayer had accepted the *Hof* 'freely and with great thanks and thereafter [...] without any contradiction for twenty-three years yielded and delivered [the rent].'⁵⁰ For his part, Mayer insisted that he had always known the property to be heritable, but that as a poor young man without any land of his own, he had in 1584 been in no position to challenge the junker. The years of silence had reflected only his powerlessness, not his consent.

To bolster this stance, Mayer's advocate Gedeon Scherlin tapped into a rich seam of legal thinking which maintained that the meaning of silence was not always so straightforward. Early modern jurists were heirs to a dual and in some respects contradictory heritage of rules for interpreting silence.⁵¹ From Roman law (in particular the 'Various Rules of Ancient Law' appended to the final book of Justinian's *Digest*) they received the proposition that to be silent was neither to acknowledge nor to deny,⁵² whereas from canon law (in its final

⁴⁷ "Rei iudicatae exceptiones der Witwe des Martin Mayers (11 Aug 1615)", StAS, R7 no. 88, Q 6, 53v–54r. The early modern legal standard of the 'constant man' is expertly discussed in Decock W., *Theologians and Contract Law: the Moral Transformation of the Ius Commune (ca. 1500–1650)* (Leiden – Boston: 2012) 236–247.

⁴⁸ Wesenbeck, *In Pandectas iuris civilis et codicis [...] commentarii* ad Dig. 4.2, no. 3, 79.

⁴⁹ The allegations are found in "Interrogatoria Praeliminaria der Witwe des Martin Mayers (Jul 1617)", Art. 27, StAS, R7 no. 88, Q 6, fol. 230r; the response in "Articuli Defensionales des Junkers Balthasar II von Hornstein (14 Jan 1614)", Art. 30–32, ibidem, fols. 201v–202r.

⁵⁰ Art. 22, ibidem, fol. 200r.

⁵¹ See the overview in Krampe C., "Qui tacet consentire videtur" über die Herkunft einer Rechtsregel", in Schwab D. et al. (eds.), *Staat, Kirche, Wissenschaft in einer pluralistischen Gesellschaft: Festschrift zum 65. Geburtstag von Paul Mikat* (Berlin: 1989) 367–380.

⁵² Dig. 50.17.142; VI 5.13.44 [CJCa III, 825–826].

formulation, the 43rd *regula juris* in the 1298 *Liber Sextus* of Boniface VIII) they received the rule that whoever is silent is presumed to consent.⁵³ Since these propositions could not both be true in any simple sense (and since both were incorporated into the 1298 *regulae juris*), some authorities proposed that the first rule be invoked to interpret silence in the face of an action, and the second to interpret silence in the face of a question. This solution proved inadequate, and already by the thirteenth century canon lawyers (for whom the freedom of decisions to marry and take holy orders was of enormous importance) had begun to develop a more differentiated set of rules. The Ordinary Gloss (c. 1215) to Gratian's *Decretum* listed five different possible meanings of silence, namely contumacy, evasion, contradiction, consent and neutrality.⁵⁴ Still greater specificity was supplied by the glosses on the canon *Nonne* (x 2.23.5) and on the 43rd *regula juris*, which clarified respectively (1) that silence can only be regarded as consent where an objection would have prevented the undesired outcome, and (2) that an individual who is silent in the face of an action damaging or disadvantageous to him or herself cannot be presumed to have consented.⁵⁵

The second of these propositions received influential support from the canon law commentaries of Nicolaus de Tudeschis, or Panormitanus (1386–1445),⁵⁶ and would receive detailed treatment by canon lawyers throughout the sixteenth and seventeenth centuries.⁵⁷ The canon law discussion clearly influenced both criminal jurisprudence and the specialist reflections on evidence and presumption.⁵⁸ Indeed, not only Panormitanus but also the

53 VI 5.13.43 [CJCa III, 825].

54 This is the gloss to D. 65 c. 9, v. "tacuerit" [CJCa I, 451–452]. I am here much indebted to the discussion in Kelly H. A., "A Procedural Review of Thomas More's Trial" in Kelly H. A. – Karlin L. W. – Wegemer G. B. (eds.), *Thomas More's Trial by Jury* (Woodbridge: 2011) 21–25.

55 CJCa II, 787–788 for the canon "Nonne"; for the gloss to the 43rd *regula juris* see the references in note 53.

56 Nicolaus de Tudeschis, *Commentaria in Decretales Gregori IX.*, 9 vols. (Venice: Lucantonio Giunta, 1591) ad x 1.6.50, no. 6, vol. 1, fol. 157r and ad x 2.23.5 (i.e. the canon "Nonne") no. 1, vol. 4, fol. 115v.

57 Peck Pierre, *Ad regulas iuris canonici commentaria* (Helmstedt, Jakob Lucius: 1588) ad vi 5.13.43–44, fols. 220r–223v; Toschi Domenico, *Practicarum conclusionum iuris* (Rome, Aloisio Zannetti: 1606) vol. 6, concl. CMXLI [litera P] 741.

58 Menochio Giacomo, *De praesumptionibus, conjecturis, signis, et indicis, commentaria* (Cologne, Johann Gymnich: 1595) lib. III, praesumptio 9, no. 20 and praesumptio 42, nos. 10–11, 24 and esp. lib. vi, praesumptio 99, 276, 343–344 and 760–767; Sole Brunoro del, *Consilium criminale* (Frankfurt a.M., Nicolaus Bassaeus: 1575) cons. 192, 202–203; Farinacci Prospero, *Consilia sive responsa criminalia* (Frankfurt a.M., Zacharias Palthenius: 1622) lib. III, cons. 228, no. 16, 99–100 and also his *Repertorium judiciale cum fragmentis* (Lyon, Gabriel Boissat and Laurent Anisson: 1639) "Fragmenta", litera T, no. 13 ad verbum

canonists Felino Sandeo (1454–1503)⁵⁹ and Mariano Sozzini the elder (1397–1467)⁶⁰ would be cited by Martin Mayer's advocate in support of the claim that Mayer's silence in the face of a grievously disadvantageous modification of tenurial terms could not be regarded as consent.⁶¹

3

Proper application of this complex of legal rules for the interpretation of silence thus required a close look at the particular context in which the conflict between Martin Mayer and Balthasar von Hornstein had played out. For the social historian, this is where the case gets especially interesting, for in July of 1617 the Rottweil *Hofgericht* commissioned its assessor Johann Finck to depose a total of fifteen witnesses (twelve peasants from the village Bingen and one from the nearby forest estate of Dollhof, plus two former officials). Their testimony revealed dimensions of the story that neither the peasant nor the junker had disclosed.

Several of the witnesses declared that Martin Mayer's *Hof* had indeed once been an *Erblehen*. It seems likely, in fact, that this was common knowledge, for as part of earlier litigation between the Hornsteins and the counts of Hohenzollern-Sigmaringen, peasant witnesses had in 1569 testified that except for a property known as the Pfandhof, *all* of the Zwiefalten tenancies in Bingen had been *Erblehen* holdings, yielding a nominal entry fine of a pair of gloves, a black hen or three shillings.⁶²

As for the conduct of Balthasar von Hornstein, several of the 1617 witnesses attested to his public declarations of respect for the rule of law. By one account the junker had even stated that 'he wanted to resolve the matter through the law, [and] if it [i.e. the *Hof*] did not belong to him, he didn't want it, and didn't want Mayer to hate him on this account'. For all this, the picture of the junker

"*Tacens*", 71. See also more generally Helmholtz R. H., "Origins of the Privilege against Self-Incrimination: The Role of the European *Ius Commune*", *New York University Law Review* 65 (1990) 962–990.

59 Sandeo Felino, *Commentaria in quinque libros Decretalium*, 4 vols. (Basel: Johann Froben, 1567) ad x 1.2.9, nos. 34–40, vol. 1, 218–220; Sandeo's commentary on the canon "Nonne" is found in vol. 2, ad x 2.23.5, 1042–1049.

60 Sozzini Mariano, *Consilia*, 4 vols. (Lyon, Jacob Giunta: 1545) vol. 2, cons. ccxx, no. 11, fol. 69r and vol. 3, cons. LXI, no. 6, fol. 50r.

61 "Rei Iudicatae Exceptiones der Witwe des Martin Mayers (11 Aug 1615)", StAS, R7 no. 88, Q 6, fols. 54v–55r.

62 Von Hornstein-Grüningen, *Die von Hornstein* 249–250.

which emerged from the witness testimony was hardly flattering. Described as a constantly calculating man ('the junker was always reading through his rent rolls'), he was denounced by at least one witness for taking advantage of the absence on military service of Martin Mayer's father-in-law Hans Huber to force Huber's wife into serfdom.⁶³

Many of the witnesses—including the junker's own former clerk—knew that Hornstein had increased the rent on the *Hof* in Bingen, and it was quite clear to all of the witnesses that he had manipulated Martin Mayer's weakness in order to do so. Mayer was not native to Bingen (he had been born in the nearby village of Hitzkofen). He was also poor, so much so that after marrying Hans Huber's daughter he was only able to stay in the village by working as a servant for his own father-in-law.⁶⁴ Mayer desperately needed to acquire property in Bingen in order to gain permanent residency in the village, but Hans Huber had no fewer than three daughters, the eldest of whom was already married to another villager by the name of Adrian Danner, and Danner was no less eager than Martin Mayer to take over the father-in-law's property.

Balthasar von Hornstein was well aware of these circumstances and moved to exploit them. When Hans Huber died in 1584, the junker declared that he was not going to grant out Huber's *Hof* to anyone just yet, and then openly began playing Danner and Mayer off against each other in an effort to extract either a higher entry fine or an increased rent. When Mayer approached the junker and asked to be granted the property on the old terms of the modest cash rent and nominal entry fine, Hornstein told him that he could easily find someone else who could pay an entry fine of fully 60 *gulden*. If Mayer did not like these terms, the junker continued, the property would simply be taken and leased to someone else. Danner was similarly informed that there was another potential tenant willing to pay an increased annual rent of two *malter* of grain as well as eggs and chickens.⁶⁵ The villagers' assessment of these two undesirable alternatives was clear; it was much better to accept the enhanced entry fine, 'because the grain [rent] would be a permanent charge and could not

⁶³ Respectively the testimony of Abraham Gerber of Bingen ('er hab gesagt [...] wölls mitt Recht außfüehren, wann es Ihme nit gehöre, so wöll ers nitt, wölle Ihne Maÿer darumb nitt haßen'), Jacob Schneider of Bingen ('der Junckher lese alle zeit inn seinen Zinßbüechern') and Melchior Binder of Dollhof, "Depositio Testium (20–24 Jul 1617)", StAS, R7 no. 88, Q 6, fols. 354r, 360v, 304v.

⁶⁴ Testimony of Veit Schreck of Bingen and Martin Weckhenmann of Bingen, *ibidem*, fols. 325v, 377r.

⁶⁵ Testimony of Hans Danner of Bingen, Hans Pfeiffer of Bingen, and Balthasar Gasser of Hornstein, *ibidem*, fols. 307r–308r, 333r–v, 348v.

be paid off.⁶⁶ Unfortunately for Mayer, there was simply no way to come up with the cash for the entry fine. He was therefore driven to accept the greater burden of the enhanced annual rent in addition to a new obligation to perform carting services, although he barely had enough livestock to do so.⁶⁷ Of course it was a raw deal, but as the village mayor (*Schultheiss*) Veit Schreck put it, ‘otherwise he could not have come [to live] in Bingen’.⁶⁸ This was also how Martin Mayer himself seems to have regarded his predicament. In the words of the peasant Hans Pfeiffer,

when I asked him once why he had agreed to such a rent, and had not insisted that he be leased [the property] in the same way as his father-in-law (for I have heard that it is supposed to be an *Erblehen* like the other Zwiefalten properties), he said that he was still a young man then, and had to do it so that he could come [to live] in the village, and if he had not agreed to that rent, or accepted the tenancy on those terms, it would have gone to his brother-in-law, the other son-in-law [of the previous tenant]. He had to do it.⁶⁹

The witnesses’ account of how Mayer later came to contest the arrangement he had unwillingly accepted was equally striking: ‘Martin Mayer accepted the property from the junker as a *Schupflehen* so that he could gain entry to the village. He also paid the [new] grain [rent] for a number of years until he had warmed up and put down roots’.⁷⁰ Most of the villagers also agreed that the

66 Testimony of Balthasar Rebhholtz of Bingen, *ibidem*, fols. 315r–v: ‘viel lieber den Ehrschatz an gelt gegeben habenn, dann die Frucht ein ewige Beschwerdt seÿe, unnd nitt mehr abgange’.

67 Testimony of Melchior Binder of Dollhof, Hans Pfeiffer of Bingen and Matthis Gunz of Bingen, *ibidem*, fols. 300r–v, 333r–v, 370r.

68 Testimony of Veit Schreck of Bingen, *ibidem*, fol. 327v: ‘sonsten were er nitt gen Bingen kommen’. A similar assessment appears in the testimony of Matthis Gunz of Bingen *ibidem*, fol. 372r.

69 Testimony of Hans Pfeiffer of Bingen, *ibidem*, fol. 334r: ‘Unnd alls zeüg Ihme etwann zugesprochen, warumb er solchen zinß einganngen, unnd nitt darauff beharret seÿe, daß mann Ihme leihen solle, wie seinem Schweher (dann er Zeug gehördt, es solle ein Erblehen sein, wie anndere Zwifaltische Güetter) hab er gesagt, Er seÿ noch ein junger Mann gewesen, hab es thuen müeßen, daß er im fleckhen komme, unnd da er solchen Zinß nitt bewilliget, oder das lehen der gestallt angenommen hette, were es ihme nitt, sonndern seinem Schwager dem anndern Tochtermann wordenn, habs wolthun müeß’.

70 Testimony of Balthasar Bayer of Bingen, *ibidem*, fol. 383r: ‘Martin Maÿer [hat] das Güetlin vom Junckhern zue einem Schupfflehen angenommen, damit er inn fleckhen

1556 mortgage was clear evidence that Mayer's *Hof* was an heritable tenure. Indeed, on the account of mayor Veit Schreck, it was the rediscovery of the mortgage document (which had lain in a vault made inaccessible by the Hornstein/Hohenzollern-Sigmaringen jurisdictional dispute) which emboldened Mayer to contest the terms of the 1584 lease.⁷¹

Martin Mayer thus garnered substantive support for his property claim from the testimony of his fellow villagers. This did not mean, however, that he also gained their sympathy. Some of this was due to an unsentimental peasant assessment of the asymmetries of power which pervaded rural life. Mayer had certainly been offered a raw deal, but however reluctantly, he had also accepted it. For many of the villagers, there was little more to say. As Balthasar Rebholz of Bingen put it, Mayer 'had asked to pay the old rent, but since he promised more to the junker when he accepted the tenancy, he will have [to pay] it, and will not be able to claim the old rent'.⁷² The question of whether Mayer's 1613 agreement to abandon his protest had been extorted through the harshness of his imprisonment prompted similar shrugs. 'If he hadn't made the promise in the first place,' the day laborer Matthis Gunz opined, 'he wouldn't be bound to it'.⁷³ The Bingen peasants were clearly conversant with the essentials of land law, but the finer points of jurisprudence were of little interest to them. Melchior Binder of Dollhof certainly knew that only an *Erblehen* property could be mortgaged, but in response to questions whether promises made in prison were binding in law, he simply answered that 'he knows nothing of this and will leave it to the educated to dispute'.⁷⁴

einkommen, solche früchten hab er auch etlich viel jar gelüfftet, biß er erwarmet unnd eingewurtzlet'.

⁷¹ Testimony of Veit Schreck of Bingen, *ibidem*, fols. 325v–326r.

⁷² Testimony of Balthasar Rebholz of Bingen, *ibidem*, fol. 316v: 'er hab sich den alten Zinß zue geben erbotten, weil er aber bey annemmung des lehens dem Junckhern mehr versprochen, werde er daſelbig haben, unnd den alten Zinß nitt annemmen wollen'.

⁷³ Testimony of Matthis Gunz of Bingen, *ibidem*, fols. 372v–373r: 'hette ers anfangs nitt versprochen, hette ers deß. nitt bedörffen'. A similar view appears in the testimony of Veit Schreck of Bingen, *ibidem*, fol. 328r.

⁷⁴ The question about promises made in prison appears in the "Interrogatoria Praeliminaria der Witwe des Martin Mayers", Art. 29, *ibidem*, fols. 230r–v: 'Ob nit wahr, daß von Rechts wegen diß versprechen unnd zuesagen uncrefftig unnd unbindig'. The responses are found in the "Depositio Testium (20–24 Jul 1617)", testimony of Melchior Binder of Dollhof, *ibidem*, fols. 301v, 302v: 'Er wiß nichts darvon, wölls gelerten disputieren laß'. A similar sentiment in the testimony of Balthasar Rebholz of Bingen, *ibidem*, fol. 317v.

Still more important in shaping village reaction to Mayer's lawsuit was the widespread conviction that his lawsuit was motivated by an unacceptably narrow sense of self-interest. One witness observed that all tenants had to perform labor services for the junker and that he did not see why Mayer's *Hof* should enjoy any special freedoms, but few of the villagers expressed any overt hostility to Mayer and some went out of their way to stress shared bonds of kinship.⁷⁵ Far greater resentment was provoked by Mayer's refusing to acknowledge any claims to the property by his wider kindred, while at the same time insisting on its heritability.

Mayer's neighbors felt quite strongly that all children of a marriage, male or female, had equal claims to the heritable property of their parents. This was a common peasant custom in early modern Upper Swabia. In regions of partible inheritance, the land was divided among all surviving children, and in regions of impartible inheritance the custom was to divide the capital value of the property among the siblings, and for the child who acquired the physical asset to buy out the shares of the 'yielding heirs'. Indeed, even where the 'family' property was a technically non-heritable holding leased for the term of a single life, the heir was still expected to pay off his or her siblings.⁷⁶

Mayer refused to honor this expectation, and according to the witnesses his two sisters-in-law received 'not a penny' of value from their father's *Hof*. The angriest reaction came (unsurprisingly) from Mayer's brother-in-law Adrian Danner. Some of this may have been sour grapes, for whatever gave the villagers the distinct impression that Hans Huber preferred Martin Mayer to his other son-in-law was likely not lost on Danner himself. Be that as it may, it also appears that Danner took his own obligations to kin quite seriously, and was reported to have paid a settlement to Huber's youngest daughter after coming into a smaller property previously held by his father-in-law.⁷⁷ Thus, when Martin Mayer asked his brother-in-law if he would support him in the legal contest with their overlord, no help was forthcoming. Danner retorted that he

75 Testimony of Balthasar Gasser of Hornstein, Georg Keller Vogt zu Uttenweiler (for atypical hostility to Mayer) and Veit Schreck of Bingen (for emphasis on kinship), *ibidem*, fols. 349v, 295r, 332r.

76 For a detailed investigation of these customs in another Upper Swabian lordship, see Sreenivasan G. P., *The Peasants of Ottobeuren, 1487–1726: A Rural Society in Early Modern Europe* (Cambridge: 2004) 173–179, 204–266.

77 Testimony of Hans Danner of Bingen ('unnd hab er Martin Mayér keinem Geschwisterigt [sic!] kein batzen für sein Auslosung oder Erbfall gebenn'), Hans Pfeiffer of Bingen and Martin Weckhenmann of Bingen, "Depositio Testium (20–24 Jul 1617)", StAS, R7 no. 88, Q 6, fols. 312v, 333r, 377r–v.

had been shut out from, and had received no benefit from, the property, or, as another witness put it, ‘it was no skin off his nose; he [Mayer] had taken [the property] as a *Schupflehen*, he should now keep it as such’.⁷⁸ Most hostile of all was the account of the exchange provided by Jacob Schneider, who testified that

before he [i.e. *Mayer*] began the lawsuit against the junker, he asked before the [village] court in Bingen of his brother-in-law Adrian Danner (who had taken the other of Huber’s daughters [in marriage]), if he would stand with him in the lawsuit against the junker. He [i.e. *Danner*] replied [that] he would not go to law against the junker. He [i.e. *Mayer*] had taken on the [new] rent and encumbered the property; he should restore it to its past status. If he [i.e. *Mayer*] won it and things should again be as they were before, then they would see who would inherit [the property].⁷⁹

Yet Adrian Danner was unusual only in the intensity, not the substance, of his reaction. Balthasar von Hornstein certainly tried to mobilize the villagers’ resentment to his favor, but he did not create it. Most of witnesses testified to Mayer’s refusal to compensate his sisters-in-law, several in terms of his having ‘driven off’ Adrian Danner. For some of the witnesses, in fact, the refusal to compensate the other heirs itself compromised the claim that the property was an *Erblehen*.⁸⁰

78 Testimony of Veit Schreck of Bingen and Balthasar Bayer of Bingen, *ibidem*, fols. 330r–v, 383v: ‘Er Danner gesagt, die haut beiße ihne nitt, hab ers für ein schupfflehen empfangen so soll ers darfür behalten’. Cf. for the expression ‘die Haut beißen’ Mohl R. v., *Geschichtliche Nachweisungen über die Sitten und das Betragen der Tübinger Studirenden während des 16ten Jahrhunderts* (Tübingen: 1840) Abstract of Document #253 on p. 51; Fischer H. – Keller, A. v. – Pfleiderer, W., *Schwäbisches Wörterbuch*, vol. 1 (Tübingen: 1904) col. 812–814, here col. 814.

79 Testimony of Jacob Schneider of Bingen, *ibidem*, fols. 359r–v: ‘ehe er das Recht mit dem Junckhn> angefamgen, hab er vor ainem Gericht zue Bingen an Adrian Dannern sei nem schwagern, der die annder des Huebers Tochter gehabt begert, Ob er nitt ihme gegen dem Junckhern inn das Recht stehn wölle, Er gesagt, er wölle nitt mitt dem Junckher Rechten, Er soll das Güetlin wider ledig machen, wie es gewesenn, Er hab die Gült darauff gemacht, unnd also beschwerdt, Wann ers gewinne, unnd wider sej, wie vorhinn, wollen sÿe schon sehen, wer erbe’.

80 Testimony of Georg Keller Steinischer Vogt of Uttenweiler, Jacob Schreck of Bingen, and Veit Schreck of Bingen, *ibidem*, fols. 296r, 320v, 326r–v.

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As has been seen, the Rottweil *Hofgericht* ultimately ruled in favor of Martin Mayer's widow in 1621. The outcome of Balthasar II von Hornstein's appeal to the *Reichskammergericht* is unknown. As is often the case, the surviving case file contains no final verdict, but the contents of the file do imply that the appeal never progressed beyond the opening states, and it may have been abandoned.⁸¹ The fate of Mayer's *Hof* thus remains unclear. The von Hornstein share of Bingen passed to Hornstein's son Sigmund († 1631) in 1624, and shortly thereafter to his grandsons Johann Baptist (1629–1675) and Johann Heinrich (1630–1695).⁸² It is possible that these successors either accepted the *Hofgericht*'s 1621 verdict or—as happened in other Swabian lordships⁸³—came to a quiet financial settlement with the tenants.

Given the case's atypicality in the legal history of German land tenure, the formal outcome of the dispute is perhaps not so important. Rather more significant is the rare window that Martin Mayer's lawsuit opens onto the realities of power in the early modern countryside. The case vividly documents both the techniques of manipulation and intimidation through which lordly power was so often expressed, as well as the genuine relief from these techniques which subjects might obtain from judicial institutions. The internal politics of village communities and of peasant kindreds are also captured in rare detail.

More fundamentally, Mayer's Rottweil lawsuit offers a striking perspective on the challenges scholars face in attempting to write 'history from below'. Our conventional instinct is to presume that the silences of the archival record reflect either the absence, or the loss, of documentation on the lives of the underprivileged. As is clear from this account of the tribulations of Martin Mayer, however, silence sometimes has a history of its own, and we therefore

⁸¹ The surviving internal records of the Hornstein lordship contain no details on the case after 1620; cf. StAS, Ho 80 T 1 no. 268, "Prozessache des Martin Mayers Witwe von Bingen gegen Balthasar von Hornstein p[unc]to spolii (1613–20)".

⁸² Von Hornstein-Grüningen, *Die von Hornstein* 300–301, 332–336.

⁸³ For example, in 1695 the Upper Swabian Imperial Monastery (*Reichsstift*) of Ottobeuren paid 500 *gulden* to repurchase four meadow parcels previously leased as an heritable tenancy to the Augustinian house in the nearby city of Memmingen. Four months later a dispute erupted between Ottobeuren, which considered itself to enjoy full ownership, and two peasants from the village of Boos, who had been subletting the meadows from the Augustinians and regarded themselves as holding the land in emphyteusis. In the end Ottobeuren agreed to accept 150 *gulden* from each peasant and regrant them the properties as heritable tenures, StAA, rs Ottobeuren, Band 921 ("Verhörprotokolle 1695–1697"), fols. 24r–25v (11 Feb 1695) and fols. 71r–72v (30 Jun 1695).

recover some of the most characteristic experiences of historical subalterns in recognizing the positive fact of this very silence.

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PART 2

Economy

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Coping with Unknown Risks in Renaissance Florence: Insurers, Friars and Abacus Teachers^{*}

Giovanni Ceccarelli

The final centuries of the Middle Ages are commonly considered one of the turning points in the way people coped with the unknown. It is usually stressed that, during the Renaissance, traditional attitudes were progressively abandoned in favor of a more ‘modern’ approach: the future ceased to be seen as a territory that could not be explored, subject to the unknowable will of God, and started to be seen as a land of possibilities in which decisions made by individuals mattered.¹ Lucien Febvre brilliantly summarized this change using the expression ‘transfert de ciel à terre’ (transfer from heaven to earth) and suggested that the driving force of this change was the emerging concept of risk.² Why is this concept so relevant? Because, as it has been argued, ‘risk implies the [...] determination of the likelihood of an event’.³ In other terms, risk can be seen as the medium by which the unknown could be objectified, allowing actors to finally frame a realm that appeared to go beyond their comprehension and control.

Long before the famous Dutch tulipmania of the seventeenth century, people conducted business on the assumption that future events could be evaluated and traded for money. Starting with the thirteenth century, an extraordinary boom of risk-related business techniques occurred. Risk-management tools such as business partnerships and insurance contracts, or specialized markets for currency exchange and the trading of government bonds, are only some

* Abbreviations: ASP, Datini, Assicurazione = Archivio di Stato di Prato, Datini, ‘Polizze di Assicurazione’; ANP, Salviati, Commercio = Archivio della Scuola Normale di Pisa, Salviati I, ‘Libri di Commercio’.

¹ Bernstein P. L., *Against the Gods: the Remarkable Story of Risk* (New York: 1996) 39–56; North D. C., *Institutions, Institutional Change, and Economic Performance*, Political economy of institutions and decisions (Cambridge, Mass.: 1990) 126–127.

² Febvre L., “Pour l’histoire d’un sentiment: le besoin de sécurité”, *Annales: Economies, sociétés, civilisations* 11, 2 (1956) 244–247.

³ North, *Institutions, Institutional Change, and Economic Performance* 126.

examples of a trend that appears to be a real risk-mania.⁴ Among these various tools, one in particular seems to have embodied the new trend in which future events were framed: the insurance contract. Marine insurance began to be used around the mid-fourteenth century and constituted a significant shift in comparison with all the arrangements that were previously used to transfer the risk of doing business to another party. While commercial risks were mingled in business partnerships and similar agreements with other features—such as loans, currency exchange, etc.—, insurance is the first known contract in which risk became the specific object of the settlement. Moreover, this contract envisaged that perils connected to sea trade had to be quantified in numerical terms, the insurance premium being calculated as a percentage of the insured value.⁵

Focusing on marine insurance may thus be a reasonable shortcut to get an idea about how the actors of merchant capitalism coped with unknown events. But there is another reason why looking at insurance can offer a good point of observation for broader phenomena, and this has essentially to do with Florence. During the Renaissance, this city was the epicenter of theological debates on risk-related economic activities, the core of mathematical reasoning on probability, and one of the leading insurance markets of that period. By summing up together so many features, Florence appears to be an environment in which changing attitudes on risk could more easily develop.

4 Cf. Kindleberger C. P. – Alibert R. Z., *Manias, Panics, and Crashes: A History of Financial Crises* (Basingstoke: 2005) 8, 14, 99–100 with Mueller R. C., *The Venetian Money Market: Banks, Panic, and the Public Debt, 1200–1500* (Baltimore: 1997) 121–157. For a semi-popular version of this phenomenon, cf. Ferguson N., *The Ascent of Money: A Financial History of the World* (New York: 2008) 31–52, 126–138.

5 Besides business partnerships like the ‘commenda’, sea loans and maritime exchange are the typical examples of contracts envisaged to manage trade risks before the development of marine insurance, see Lopez R. S. – Raymond I. W., *Medieval Trade in the Mediterranean World. Illustrative Documents Translated with Introductions and Notes*, Records of civilization, sources and studies 52 (London: 1955) 168–211. Edler de Roover F., “Early Examples of Marine Insurance”, *The Journal of Economic History* 5 (1945) 173–187; Ceccarelli G., “The Price for Risk-Taking: Marine Insurance and Probability Calculus in the Late Middle Ages”, *Journal électronique d'Histoire des Probabilités et de la Statistique/Electronic Journal for History of Probability and Statistics* 3, 1 (2007) 1–26.

1 Marine Insurance Markets and Florence

From the late Middle Ages, Florence was one of the main marine insurance markets, and this status lasted at least until the 1530s.⁶ To reconstruct its basic features two sets of sources can be studied. On the one side, there is the Datini archive that, thanks to a significant though uneven set of policies underwritten by the companies controlled by the renowned merchant of Prato, provides a general framework on the last two decades of the fourteenth century. While for this period one can only observe marine insurance from the point of view of a large merchant company, the second group of sources allows, on the other side, one to open the investigation of the Florentine market in its entirety. The documents coming from the Salviati archive provide data concerning 70–80% of the contracts underwritten in the city between 1524 and 1526.⁷

What are the main features that emerge from these archival documents? First, a substantial homogeneity between the two periods considered should be emphasized. Between the fourteenth and sixteenth centuries, continuity widely prevailed over change. This applies to the position held by the Florentine insurance market at a European level, the number of subjects operating in it, and their level of specialization, as well as for the mechanisms that appear to regulate the entry into the market.

Already by the end of the fourteenth century Florence held a prominent role in the insurance markets, being one of the few places (with Genoa, Pisa, Venice, and Barcelona) specializing in this type of business. Due to the lack of significant competition, Florence was able to meet a demand that was unrelated to the advantages deriving from its geographic location. In the 1520s, though competition between insurance markets became much fiercer, this role does not seem to have declined. It can be reasonably estimated that more than 700 contracts were signed every year, to cover merchandise that departed or arrived from places located as far as Ireland and the Middle East. The city demonstrated a great capability for attracting a ‘foreign’ demand that was unrelated to any geographic competitive advantage, a demand that corresponded to around 60% of the total amounts insured in the market. A typical example of this trend is offered by the number of businessmen who, being in need of

6 Goldthwaite R. A., *The Economy of Renaissance Florence* (Baltimore: 2009) 98–103; Addobbiati A., “Italy 1500–1800”, in Lenard A. (ed.), *Marine Insurance: Origins and Institutions* (Basingstoke: 2016) 63.

7 ASP, Datini, Assicurazione, 1158 and 1159. ANP, Salviati, Commercio, 70; 735; 742; 749. A first overview on these sources can be read in Melis F., *Origini e sviluppi delle assicurazioni in Italia (secoli XIV–XVI)* vol. 1: *Le fonti* (Rome: 1975) 29–31 and 159–162.

insuring their cargos travelling between Bordeaux and London, preferred to sign a policy in Florence instead of doing so in France or England.⁸

By retaining its leadership over time, the Florentine market proved to be efficient, and this probably has to do with a number of mechanisms that were at work to encourage contract enforcement and prevent moral hazard. These ‘unwritten rules’ limited entry to sound economic subjects that were considered more likely to indemnify possible losses of the insured parties. Between 1523 and 1524 a set of written norms completed this framework, providing a broader set of formal legal safeguards for those who were engaged in the insurance market.⁹

2 Friars, Jurists, and the Debate on Insurance Lawfulness

Given the important role played by Florence in the insurance business, it is not surprising to find that the vast majority of the contributions concerning the moral lawfulness of this contract were related to Florence or nearby centres of modern-day Tuscany. The debate unfolded in the squares and churches of the city and those of nearby Pisa, and in part also within the Dominican and Franciscan *studia* of these centres, as well as in the faculties of theology and law of the university of Florence.¹⁰

If one considers the list of thinkers who wrote about insurance during the fourteenth and fifteenth centuries, their geographic homogeneity is striking. Until the first decades of the sixteenth century the only exceptions are the writings of the Genoese jurist Bartolomeo Bosco and those of the Polish theologian Matthew of Cracow. Both, however had (extremely) little influ-

8 Ceccarelli G., *Un mercato del rischio. Assicurarsi e farsi assicurare nella Firenze rinascimentale* (Venice: 2012) 157–176.

9 Ceccarelli G., “Cambiamento o stasi? La regolamentazione di alcuni mercati assicurativi mediterranei tra tardo Medioevo e prima Età moderna”, in Salvemini R. (ed.), *Istituzioni e traffici nel Mediterraneo tra età antica e crescita moderna*, Ricerche di economia e storia 5 (Naples: 2009) 119–140.

10 In Renaissance Florence, discussions concerning the lawfulness of business practices did not remain confined to academic and ecclesiastical networks, see Kirshner J., “Storm over the ‘Monte comune’: Genesis of the Moral Controversy over the Public Debt of Florence”, *Archivum Fratrum Praedicatorum* 53 (1983) 219–276 and Kirshner J., “Ubi est ille? Franco Sacchetti on the *Monte Comune* of Florence”, *Speculum A Journal of Medieval Studies* 59, 3 (1984) 556–584.

ence on the overall treatment of this subject.¹¹ Bartolomeo of San Concordio, who is the first to write about insurance in his *Summa pisanello*, was the rector of the Dominican convent of Santa Caterina at Pisa.¹² Francesco of Empoli, the Franciscan who triggered the Florentine debate on insurance in the mid-fourteenth century, was first vicar of Santa Croce's convent, and he later held the chair of theology at the local University.¹³ One of the two Dominican friars who took part in this debate—Pietro Strozzi—would succeed Francesco of Empoli in teaching theology at the University of Florence, while the other—Domenico Pantaleoni—would become the prior of the convent of Santa Maria Novella.¹⁴

Civil lawyers involved in the discussion were also mostly Florentines. Paolo di Castro, who addressed this topic in his commentary to the *Corpus Juris Civilis* (at the end of the fourteenth century), and Lorenzo Ridolfi, who wrote about insurance in his treatise *De usuris* (1403), would both hold chairs of law at the University of Florence.¹⁵ Also most of the renowned preachers—Bernardino of Siena, Antonino Pierozzi, and Giovanni dei Milanesi—who in the fifteenth century devoted their thoughts to this contract, were connected in some way to Florence. The first of these delivered several sermons in Florence during the 1420s, the second was appointed Archbishop of the city in 1445, while the latter grew up in the nearby city of Prato.¹⁶ Even the scenario which featured the first commercial law treatise on this subject, written at the end of the fifteenth

¹¹ Ceccarelli G., "Risky Business. Theological and Canonical Thought on Insurance from the Thirteenth to the Seventeenth Century", *The Journal of Medieval and Early Modern Studies* 31, 3 (2001) 643.

¹² Langholm O., *The Merchant in the Confessional: Trade and Price in the pre-Reformation Penitential Handbooks*, Studies in Medieval and Reformation thought 93 (Leiden – Boston: 2003) 123.

¹³ Armstrong L. D., 'The Politics of Usury in Trecento Florence: The *Questio de monte* of Francesco da Empoli', *Mediaeval Studies* 61 (1999) 4–5.

¹⁴ Kirshner J., "A note on the authorship of Domenico Pantaleoni's tract on the *Monte Comune* of Florence", *Archivum Fratrum Praedicatorum* 43 (1973) 73–81 and Kirshner J., "Pantaleoni, Domenico (Fastello)", in *Dizionario biografico degli Italiani*, vol. 81 (Rome: 2014) 14–16.

¹⁵ Martines L., *Lawyers and Statecraft in Renaissance Florence* (Princeton N.J.: 1968) 499–500; Armstrong L. D., *Usury and Public Debt in Early Renaissance Florence: Lorenzo Ridolfi on the Monte Comune*, Studies and texts (Pontifical Institute of Mediaeval Studies) 144 (Toronto: 2003).

¹⁶ De Rovere R., *San Bernardino of Siena and Sant'Antonino of Florence, The Two Great Economic Thinkers of the Middle Ages*, The Kress Library of Business and Economics 19 (Boston: 1967) 2–6; Langholm, *The Merchant* 119–120 and 132; Bacchelli F., *Giovanni da Prato*, in *Dizionario Biografico degli Italiani*, vol. 56 (Rome: 2001) 185–187.

century by a Portuguese lawyer called Pedro de Santarém, deals with Florence, Pisa and Livorno, places where the author lived for several years while acting as diplomat of the king of Portugal.¹⁷

Focusing on the content of these writings, the crucial role played by the concept of risk becomes clear. It is thanks to this concept that, already by the mid-thirteenth century, a new idea had emerged in theological writings: the possibility that events may (or may not) occur in the future had an economic value, which could be tradable for money. In just a few decades, this opinion became mainstream among theologians and jurists, essentially through two main lines of reasoning. On the one side, a formal analysis of contracts allowed one to state that property could be transferred conditionally without undermining God's prerogatives. Gambling served as a model to progressively frame several types of agreements and risk-management tools into a specific class—later defined as the aleatory contract category—that was considered completely legal, at least from a formal point of view. Moral concerns regarding the motivations (greed, superstition, etc.) that led to engaging in such activities did remain, but the reason why these contracts were undertaken was fully separated from their formal nature. On the other side, theologians acknowledged that taking risks was a distinctive element of business and that profits deriving from such activities could be ascribed to individuals' ability to evaluate such risks.¹⁸ Of great influence was the comparison made between friars and businessmen. The former had to precisely forecast their material needs for the future to avoid the risk of breaking the vow of living in poverty, while the latter were trained in coping with the unknown, making predictions about the profitability of future scenarios. This special condition of being skilled risk managers and forecasters, entitled businessmen to reap profits from activities that, if conducted by ordinary people, usually fell under the ban of usury.¹⁹

¹⁷ Maffei D., "Il giureconsulto portoghese Pedro de Santarém autore del primo trattato sulle assicurazioni (1488)", in *Estudos em homenagem aos Profs. Manuel Paulo Merêa e Guilherme Braga da Cruz* (Coimbra: 1983) 703–728; see also Almodovar A., Cardoso J. L., *A History of Portuguese Economic Thought*, Routledge history of economic thought series (London – New York: 1998) 17–18.

¹⁸ Ceccarelli G., "Gambling and economic thought in the Late Middle Ages", in *Ludica, annali di storia e civiltà del gioco* 12 (2006) 54–63; a more in depth analysis can be found in Ceccarelli G., *Il gioco e il peccato. Economia e rischio nel Tardo Medioevo*, Collana di Storia dell'economia e del credito 12 (Bologna: 2003), 181–327.

¹⁹ Todeschini G., "Olivi e il *mercator christianus*", in Boureau A. – Piron S. (eds.), *Pierre de Jean Olivi (1248–1298). Pensée scolaistique, dissidence spirituelle et société: Actes du Colloque de Narbonne (mars 1998)*, Études de philosophie médiévale 79 (Paris: 1999) 217–237; Ceccarelli G., "Charity, Profit, and Common Good in the Christian Economic Tradition",

In this general framework, a specific discussion regarding marine insurance developed as soon as the contract made its appearance during the first decades of the fourteenth century. The main problem to address was the fact that in the Decretal *Naviganti* Canon Law hinted at an equivalence between a usurer and a passive investor (a *stans*) who, though not directly participating to the commercial venture that he financed, retained part of the profits because of the risks suffered by the capital that he invested.²⁰ It appeared therefore that suffering risks in connection to the sea trade was not a just title for earning a profit if the involvement in the commercial venture was indirect. With reference to insurance, theologians and jurists envisaged two different solutions to solve such a bottleneck, both echoing the two lines of reasoning followed to solve the issue in broader terms.²¹

A first set of thinkers, following an argument introduced by Godfredus of Trano and developed by Thomas Aquinas, argued that risk assumption had different legal meanings depending on the contract in question. This allowed Bartolomeo of San Concordio, Pietro Strozzi and Domenico Pantaleoni to consider insurance in terms of a lease contract, that lawfully included a charge for the risks suffered (the premium) by the underwriter until the insured merchandise safely arrives to destination. This opinion, worked out more systematically by Lorenzo Ridolfi, would dominate until the beginnings of the sixteenth century.²²

A more complex approach was followed by the Franciscans which basically rested on the idea that risks, when ran by a businessman, were inherently different from those suffered by other actors. That is the reason why Francesco of Empoli, arguing in favor of marine insurance, failed to detect the formal difference between this contract and a loan, forcing Bernardino of Siena to later

in Gemelli G. (ed.), *Religions and Philanthropy. Global Issues in Historical Perspective* (Bologna: 2007) 93–115.

²⁰ *Decretals* v.19.19; *Corpus Iuris Canonici*, ed. A.E. Friedberg (Leipzig: 1922) vol. 2, 816. For the standard analysis of this canon (originally decreed by pope Gregory IX in 1234), within the broader context of medieval moneylending and legislation on usury, see Noonan J.T., *The Scholastic Analysis of Usury* (Cambridge Mass.: 1957) 133–153; de Roover R., “The Organization of Trade”, in Postan M. M. (ed.), *The Cambridge Economic History of Europe*, vol. 3: *Economic Organization and Policies in the Middle Ages* (Cambridge: 1965) 42–118, 53–57.

²¹ Ceccarelli G., “Quando rischiare è lecito. Il credito finalizzato al commercio marittimo nella riflessione scolastica tardomedievale”, in Cavaciocchi S. (ed.), *Ricchezza del mare. Ricchezza dal mare: secc. XIII–XVIII. Atti della “Trentasettesima Settimana di Studi”: 11–15 aprile 2005*, Atti delle Settimane di Studi e altri Convegni 37 (Florence: 2006) 1187–1199.

²² Ceccarelli, “Risky Business” 619–621.

develop a new argument in favor of it. According to this latter, the insurer had a right to profit since he had taken a risk on behalf of the community in which he lived, giving support to the primary source of welfare of the city, namely trade. By combining this thesis with the technical line of reasoning developed by the Dominicans, Bernardino set what would be the mainstream opinion until the evolution of the more refined aleatory contract category.²³

3 Abacus Teachers, Insurers, and the Mathematics of Risk

Another feature that made Florence a place where reasoning about risk and marine insurance could flourish more than elsewhere was the exceptional degree of mathematical literacy that schools of abacus bestowed on the local population. In comparison with other places, the city was teeming with teachers of commercial arithmetic and several of them devoted their attention to problems related to risk, chance and probability calculation.²⁴ Mainstream reconstructions do acknowledge that Renaissance mathematics made significant improvements towards a ‘modern’ vision of risk, but also point out that the empirical approach which stemmed from commercial arithmetic did not allow for formally outlining a theory of probability. So, notwithstanding the writings of Luca Pacioli and Gerolamo Cardano, it is Pascal’s solution to the so-called ‘problem of division of the stakes’, concerning a repeated game of chance interrupted before its natural conclusion, which can properly be considered the birth of probability calculus.²⁵ A simplified version of the problem runs as follows: two persons, flipping a coin, agree that the first one to win a given number of rounds will get the whole stake. However, if the game is interrupted before it ends, how should the stake be divided? The key to solve this problem lays in separating what happened before the interruption from what might have happened after.²⁶ It is through this separation that an

²³ Ceccarelli, “Risky Business” 618–619 and 621–622.

²⁴ Black R., *Education and Society in Florentine Tuscany. Teachers, Pupils and Schools, c. 1250–1500*, Education and Society in the Middle Ages and Renaissance 29 (Leiden – Boston: 2007) 362–385.

²⁵ Hacking I., *The Emergence of Probability: A Philosophical Study of Early Ideas about Probability, Induction and Statistical Inference* (Cambridge: 1975) 12 and 50–62; for a more recent discussion see Franklin J., *The Science of Conjecture: Evidence and Probability before Pascal* (Baltimore – London: 2001) 306–313.

²⁶ Meusnier N., “Le Problème des partis peut-il être d’origine arabo–musulmane?”, *Journal électronique d’Histoire des Probabilités et de la Statistique/Electronic Journal for History of Probability and Statistics* 3,1 (2007), 9–10; cf. also Toti Rigatelli L., “Il ‘Problema delle

epistemological approach was finally applied and the realm of mathematical probability envisaged. Renaissance mathematicians, who first posed this problem, failed to solve it precisely because they were not able to make this distinction.²⁷

The discovery of unedited manuscripts in which commercial arithmetic teachers discussed similar issues from the late thirteenth century has recently questioned such a reconstruction. In these sources, abacus teachers go beyond the practical approach typical of business calculation and hint at issues more related to theory. Not only because they posed the questions needed to develop probability calculus, but also because in some cases they hinted at the right rationale, by separating past (what happened) from future (what might have happened) events. It is furthermore interesting to note that these earlier versions of the ‘problem of division of the stakes’ were not concerned with gambling but with the partition of shares of business partnerships that broke up before their originally envisaged deadline. It also appears that the Tuscan region, and Florence in particular, were a fertile ground for such kinds of discussions, stressing once more what appears to be a vocation of the city.²⁸ Between the fourteenth and fifteenth centuries, several Florentine *abbacisti* debated the problem later discussed by Luca Pacioli, providing solutions that, although wrong, nevertheless in some cases hinted at the key point of what might have happened if the game (or the partnership) continued.²⁹ This is the case of issues discussed by an anonymous teacher, perhaps Maestro Antonio de’ Mazzinghi, in a collection titled *Regole del’arzibra*, or by Filippo Maria Calandri in his treatise called *Varie ragioni tratte da vari luoghi*.³⁰ These problems do not outline a modern theory of the probable, such as the one developed after the seventeenth century when numerical probability and statistics were combined by Blaise Pascal, Christiaan Huygens, John Graunt, and Johan de Witt.³¹ They reveal, however, a break with traditional approaches of framing the unknown of future events, introducing a proto-probabilistic way of

Parti’ in Manoscritti del XIV e XV Secolo”, in Folkerts M. – Lindgren U. (eds.), *Mathemata. Festschrift für Helmuth Gericke*, Boethius. Texte und Abhandlungen zur Geschichte der exakten Wissenschaften 12 (Wiesbaden – Stuttgart: 1985) 229.

²⁷ Hacking, *The Emergence of Probability* 31–48; Bernstein, *Against the Gods* 88–96.

²⁸ Meusnier N., “Le Problème des partis” 2–5, and Sylla E. D., “Business Ethics, Commercial Mathematics, and the Origins of Mathematical Probability”, *History of Political Economy* 35, supplement 1 (2003) 309–337.

²⁹ Sylla, “Business Ethics, Commercial Mathematics” 315–322.

³⁰ Three of these *problemi* are edited and discussed in Toti Rigatelli, “Il ‘Problema delle Parti’” 230–236; a more recent discussion is in Franklin, *The Science of Conjecture* 94–95.

³¹ Hacking, *The Emergence of Probability* 92–121.

reasoning that could help to correctly evaluate risks at sea in spite of the lack of accurate statistical records.³²

4 A Florentine Interplay: Merchants, Theologians, and Mathematicians

Several elements suggest that, in Renaissance Florence, ideas about how to cope with unknown risk did not remain confined to commercial arithmetic books or treatises on usury, but rather tended to circulate in realms that usually are considered as detached from each other. Biographies of merchants, friars and mathematicians reveal a more intertwined situation. Insurers received their education from abacus teachers used to dealing with probability calculus; theologians discussing the lawfulness of insurance came from families involved in such business; relatives of mathematicians had an active role in the insurance market. The degree of interaction between theory and practice appears to be higher than elsewhere, though so far we know little about a very complex topic that still requires in depth investigation.

A first field of interaction concerns family ties and environment. Several lawyers and friars who debated about marine insurance had kinship relations with merchants who had an active role in that industry. The oldest insurance policy preserved in the Datini archive is a contract dating 1379, underwritten in Pisa on the behalf of Baldo di Niccolò Ridolfi, uncle of the above mentioned jurist Lorenzo Ridolfi who, twenty years later, provided an extensive analysis of this type of contracts.³³ A similar case involves Giovanni dei Milanesi of Prato who, around the mid-fifteenth century, presented an insightful description of the insurance trade in his 'short treatise on contracts' (*Summula de contractibus*). This Franciscan theologian and preacher came from an extremely active family of merchants that did not disdain to make investments in the insurance business, as several policies underwritten in the 1520s by his descendants testify.³⁴ Another interesting case is that of Cristofano Pantaleoni, one of the

³² Franklin, *The Science of Conjecture* 273–279 and Ceccarelli, "The Price for Risk-Taking" 21–22.

³³ ASP, Datini, Assicurazione, 1158, no. 1; cf. Melis, *Origini e sviluppi delle assicurazioni* 26–28.

³⁴ Examples of policies underwritten by members of the dei Milanesi family in the 1520s are in ANP, Salviati, Commercio, 70, 63v, and 77r. The still unedited *Summula* in the context of late medieval treatises on moral economy is discussed in Ceccarelli G., "Concezioni economiche dell'Occidente cristiano alla fine del medioevo: fonti e materiali inediti", in Ammannati F. (ed.), *Religione e istituzioni religiose nell'economia europea. 1000–1800/*

main insurance brokers of the Florentine market during the last decades of the fourteenth century. This professional middleman was a close relative of Domenico Pantaleoni, the Dominican friar who, three decades earlier, had been one of the first to incorporate marine insurance into a broader discussion about the lawfulness of financial techniques.³⁵ Perhaps the most striking example is the one provided by Pietro di Uberto Strozzi; by carefully observing his family tree one gets the clear impression that this theologian was literally surrounded by brothers, uncles, cousins and nephews all devoted to long distance trade. Given these premises, it is not surprising to find several of these relatives also acting as underwriters in the Florentine (or nearby Pisan) insurance market of the late fourteenth century, such as, for instance, Michele and Lorenzo di Carlo, who were both sons of one of Pietro Strozzi's cousins.³⁶

It was not however just a matter of simple consanguinity between merchants and theorists. While the average Florentine businessmen were well-educated in commercial mathematics, some of them possessed solid backgrounds in the juridical and theological fields, and had no hesitation in taking position on issues that one would think were reserved for friars and lawyers. Franco Sacchetti, a typical prototype of what Christian Bec named 'marchand écrivain', openly argues in his *Sermoni evangelici*, written in 1380, that insurance policies should be considered unlawful, revealing a good knowledge of the ongoing debate on this subject.³⁷ Even more interesting is the example given in the early fifteenth century by Cino di Francesco Rinuccini, who was a prominent Florentine humanist, as well as the main underwriter of the local insurance

Religion and Religious Institutions in the European Economy. 1000–1800, Atti della XLIII "Settimana di Studi" dell'Istituto internazionale di Storia economica F. Datini di Prato, Atti delle Settimane di Studi e altri Convegni 43 (Florence: 2012) 274–275; the lines of the treatise in which insurance is discussed can be found in Ceccarelli G., "Quando rischiare è lecito" 1195.

35 Cf. Melis, *Origini e sviluppi delle assicurazioni* 33 with Kirshner, "Pantaleoni, Domenico (Fastello)" 14–16.

36 Michele di Carlo Strozzi in particular held a key position in the insurance market of Pisa, having underwritten at least ten policies in favour of the Datini companies between 1383 and 1386; cf. ASP, Datini, Assicurazione, 1158, no. 4, 6, 18, 21, 24, 25, 29, 40, 42, 50. Spallanzani M., "Una grande azienda fiorentina del Trecento: Carlo Strozzi e Compagni", *Ricerche Storiche* 7, 2 (1978) 417–436, here 429 in particular, where a full genealogy of the Gerio Strozzi's branch of the family is provided.

37 Sacchetti Franco, *I sermoni evangelici, le lettere, ed altri scritti inediti o rari*, ed. O. Gigli (Florence: 1857) 11–12; cf. Spagnesi E., "Aspetti dell'assicurazione medievale", in *L'assicurazione in Italia fino all'Unità. Saggi storici in onore di Eugenio Artom* (Milano: 1975) 1–189, here 125–126.

market and that of nearby Pisa. In one of his political writings, dating 1406, Rinuccini provided a thorough reconstruction of the theories of Francesco of Empoli and Pietro Strozzi, proving that he was perfectly aware of the ongoing theological debates concerning the financial tools used in the market.³⁸

Such interactions were not confined to theology and business activities, but also involved commercial mathematics.³⁹ The above mentioned Filippo Maria Calandri who ran, together with his brother Pier Maria, one of the most renowned schools of abacus of the city, could count among his pupils several ones that later had brilliant careers in commerce and banking. Two of them in particular, Bernardo and Antonio Gondi, are to be highlighted since, in the early decades of the sixteenth century, they would be among the most active players in the local insurance market.⁴⁰ Partners of one of the main Florentine companies based in Lyons, they frequently appear as beneficiaries, as well as underwriters of the policies drawn up in Florence.⁴¹ Interactions worked also the other way around with members of families that had a well-established tradition as abacus teachers, like the Corbizzi or the da Romena, who engaged in the insurance business.⁴² Therefore there is nothing unusual in finding Guigliadore di Tedice de' Mazzinghi, likely a relative of the above mentioned mathematician maestro Antonio, among the underwriters of the Datini firm in the late fourteenth century.⁴³ Turning once more to the Calandri family, these interactions become striking, when one discovers that Calandro—the son of Pier Maria—became in the late 1520s one of the cashiers of the Salviati company, in that period by far the most prominent commercial firm of the city. Yet Calandro's skills in mathematics were not just confined to bookkeeping, since

³⁸ Rinuccini Cino di messer Francesco, *Risponsiva alla invettiva di Messer Antonio Lusco*, in *Invectiva Linii Colucii Salutati reipublicae Florentinae a secretis in Antonium Luschum Vicentinum de eadem male sentientem*, ed. D. Moreni (Florence: 1826) 227–228; cf. Kirshner J., “Ubi est ille?” 571–572.

³⁹ Goldthwaite R. A., “The Practice and Culture of Accounting in Renaissance Florence”, *Enterprise & Society*, 16 (2015) 611–647.

⁴⁰ Black, *Education and Society in Florentine Tuscany* 366–367 (on the school ran by the Calandri brothers), and 379 (on their pupils, which also included Niccolò Machiavelli).

⁴¹ Ceccarelli, *Un mercato del rischio* 186–189 and 224–227; for the role of this company in Lyons, see Goldthwaite, *The Economy of Renaissance Florence* 164–165.

⁴² Black, *Education and Society in Florentine Tuscany* 230 (on the Corbizzi) and 370 (on the da Romena). Examples of Niccolò Corbizzi's insurance activities can be found in ASP, Datini, Assicurazione, 1159, no. 7; with reference to that of Paolo di Giovanni da Romena see Ceccarelli, *Un mercato del rischio* 278–281.

⁴³ Cf. Black, *Education and Society in Florentine Tuscany* 228–229 with ASP, Datini, Assicurazione, 1159, no. 5, 68, 69, 71, 77, 104, 107, 127.

he likely took advantage of his uncle Filippo Maria's innovative ideas about probability, by acting as underwriter in several policies.⁴⁴

5 Assessing Sea Risks: A Multifaceted Series of Variables

Having traced the cultural framework in which insurance transactions took place, it is now possible to turn to the market in order to look for a testing ground where interactions among law, religion, arithmetic and risk-management techniques can be further investigated. Before doing that it is necessary to briefly explain what the variables were that a businessman had to deal with when he was signing an insurance contract. It is possible to provide a rough list of such variables, based on the studies carried out by scholars who have investigated marine insurance and sea transport in the early modern period.⁴⁵ It is important to emphasize that these factors were explicitly (or implicitly) included in the set of risks that, through the contract, were usually transferred from the insured party to the underwriters. Already by the last decades of the fourteenth century, policies had started to contain standard formulas to cover a broad variety of future events that might threaten the cargo's safe arrival to destination.⁴⁶

A first class of variables can be considered to be structural, since they refer to elements that were stable (and thus predictable) over a relatively long period of time. These included: (1) the type of vessel used and the reputation of its captain; (2) the length of the itinerary to cover, not only in terms of physical distance, but also with reference to specific stretches of sea to cross and stopovers to make; (3) the season in which the journey occurred, because that affected expectations of weather conditions; (4) the type of merchandise insured, and its degree of fragility and perishability.

A second set of variables can be classed as contingent, since they are related to factors that could change very quickly, from day to day, or even within hours.

44 Ceccarelli G., "Stime senza probabilità. Assicurazione e rischio nella Firenze rinascimentale", in Barbot M. – Chauvard J.-F. – Mocarelli L. (eds.), *Questioni di stima*, monographic issue of *Quaderni Storici* 135, 3 (2010) 651–701, here 658.

45 The most relevant analyses conducted on this topic are those concerning Barcelona in the fifteenth century and Dubrovnik in the sixteenth century; cf., respectively, del Treppo M., *I mercanti catalani e l'espansione della corona d'Aragona nel secolo XV* (Naples: 1972) and Tenenti A. – Tenenti B., *Il prezzo del rischio: l'assicurazione mediterranea vista da Ragusa (1563–1591)* (Rome: 1985).

46 Ceccarelli, *Un mercato del rischio* 31–32.

These consisted of: (1) piracy and privateering; (2) wars, especially when conducted at sea; (3) seizures, namely the capture of a merchant vessel for reasons connected to politics and war.⁴⁷

These risks were all quite clear in the minds of Renaissance businessmen. We find them openly stated in a renowned trade handbook, written around the mid-fifteenth century by Benedetto Cotrugli. In his *Arte di mercatura*, this Dubrovnik merchant-writer argued that, before underwriting a contract, businessmen needed:

to gather and keep a keen eye on the news coming from the sea, to constantly ask about and inquire into pirates and evil people, wars, truces, reprisals and all the things that may disturb the sea. They must keep navigation maps on their desk and have a good knowledge of the seaports and coasts, of the distance from one place to another, and they must take into account the condition of the captains, of the insured merchants, and of the vessels, and they must consider the merchandise.⁴⁸

6 A Proto-Probabilistic Approach to Framing Risks

Insurance policies can suggest many things regarding how people involved in this business evaluated variables of risk. For instance, it is possible to collect groups of contracts which differ simply in one of the above listed factors—the type of vessel, the season in which the journey was made, the length of the itinerary, etc.—to see how this variation affected the insurance premium. Moreover, there are many policies in which an additional clause introduces a change in one single variable, while all the other elements of risk remain unaltered. For instance, some underwriters may agree to run the risk only on a given commodity, or may decide not to cover it for a specific part of the itinerary. These settlements had an immediate impact on the insurance premium, providing indirect information on the manner in which forecasting and decision-making were framed. But, most importantly, these clauses

⁴⁷ Ceccarelli, "The Price for Risk-Taking" 6.

⁴⁸ Cotrugli Benedetto, *Il Libro dell'arte di mercatura*, ed. U. Tucci, Techné 9 (Venice: 1990) 176: 'd'avere et aprire molto l'occhio alle novelle del mare, et al continuo domandare et inquirere de corsali et male genti, et guerra, triegue, ripresaglie et tucte quelle cose che possono perturbare lo mare. Debbono tenere nello scriptoio loro la carta del navicare et sapere porti et spiagge, distantie di luogho et considerare la condizione de padroni et delli mercanti che asicurare si fanno, et delli navili, et considerare le mercantie'.

show that businessmen clearly were able to isolate single variables of risk and quantify them in economic terms. Florence is once more an ideal setting to carry out a thorough quantitative analysis. The Datini and the Salviati archives allow one to consider data concerning more than 1,300 contracts drawn up in this centre, from the last decades of the fifteenth to the early decades of the sixteenth century.⁴⁹

To get an idea of how their reasoning functioned, it can be useful to take a close look at a policy from 1525. In this contract, the parties agreed to grant to the captain of a ship sailing from the port of Ancona to Constantinople, the possibility to make a stopover in the Aegean island of Kios; in such a case, however, the parties established that the premium would increase from 6% to 7%. The reason for this 1% increase lay in the fact that businessmen knew that accidents (shipwrecks, as well as merchandise damage) were more likely to occur during docking operations. Another example comes from a policy drawn up in 1397, in which an option concerning the medium of transportation—a galley or a brigantine—is envisaged, determining an increase of the premium from 1% to 1.5%. The underlying rationale for this distinction was that the former vessel was better provided with weapons than the latter.⁵⁰

Moving from single cases to a general overview, data confirm that structural variables had a direct impact on the economic quantification of risks. Transporting a fragile kind of merchandise, sailing in a season of bad weather, having to face a longer itinerary, or to cross a stretch of sea considered unsafe, using a vessel not provided with armaments, all these factors would increase the insurance premium. Those last two variables listed above (the ‘vessel factor’ and the ‘itinerary factor’) appear, in particular, to be the most significant ones, suggesting the existence of a hierarchical ranking among sea risks. Moreover, data concerning the ‘vessel factor’ and the ‘itinerary factor’ are those in which a well-tested pattern of forecasting seems to be followed, with premium variations that indicate a fair degree of accuracy in making previsions on the likelihood that an event may (or may not) occur in the future. Fluctuations in premiums reveal that businessmen coped with the likelihood of future events in a proto-probabilistic way of reasoning. To make this type of forecasting, accurate statistical records were not required and could be replaced with a rough observation of the frequency of past accidents that occurred in the sea trade.⁵¹

Obviously, not everybody could make such types of prognostications, but those who were active in the Florentine insurance business probably had the

49 For a more detailed study, see Ceccarelli, *Un mercato del rischio* 111–155.

50 ANP, Salviati, Commercio, 70, 99v; ASP, Datini, Assicurazione, 1159, no. 87.

51 Ceccarelli, “The Price for Risk-Taking” 6–14.

suitable mentality. Two striking features of this market were its limited dimension and the social homogeneity of those who were involved in it. A reasonable estimation for the early sixteenth century suggests that only about 600 or 700 people took part in the transactions, a number that corresponds to a very limited fraction of the inhabitants of the city, which at that time had a population of around 50,000 people. Very limited exceptions aside, insured parties and underwriters tended to share a common social (and cultural) background, roughly coinciding with individuals who made their living out of long-distance trade, the textile industry, and banking activities.⁵² Well-trained in business and accounting, with a high level of education in commercial arithmetic, who better than those belonging to this group could cope with the unknown threats of sea trade and make reasonable estimations about it?

7 A Traditional Way of Framing Risks to Manage Contingency

Sea risks that businessmen had to deal with were, however, often less stable over time. Wars and piracy were common threats during the Renaissance and scholars have stressed that a great share of sea accidents were caused by variables that are to be labelled under contingency.⁵³ Additional clauses to contracts reveal that contingent risks were singularly evaluated and quantified, thus following a pattern similar to the one that was applied to structural ones. However, the average premium increase suggests that, when dealing with contingency, a different (and perhaps less refined) approach to quantification was at work, with rates that were typically one and half or twice as much as those charged in normal situations. Quantitative data coming from the Salviati archive confirm this picture. When the war between the kingdom of France and emperor Charles v broke out in 1521, it took only few months in Florence for insurance premiums to increase by 180%, and then later soar to levels that were three times higher than those of the pre-war period.⁵⁴

Proto-probabilistic reasoning can only partially be used to cope with contingency, since turmoil caused by privateering and military conflicts determines

⁵² Ceccarelli G., “Tutti gli assicuratori sono uguali, ma alcuni sono più uguali degli altri. Cittadinanza e mercato nella Firenze rinascimentale”, *Mélanges de l’École française de Rome—Moyen Âge* 125, 2 (2013) 1–19.

⁵³ Del Treppo, *I mercanti catalani* 416–423 and Tenenti – Tenenti *Il prezzo del rischio* 243–254.

⁵⁴ An in-depth analysis can be found in Ceccarelli, *Un mercato del rischio* 138–150; for a specific study of the effects of warfare on insurance rates, see Tenenti – Tenenti, *Il prezzo del rischio* 318–341.

a framework in which insurance markets become extremely volatile. Shocks loomed and bubbles were ready to explode at any moment when rumors about a pirate or a naval clash spread, producing a sharp increase of the rates even in just a few hours. A 1525 Florentine contract for the Southampton-Livorno route shows the following sequence in the same day: 14.5%, 15%, and 16%. This is not an exceptional case; a few months later, the premium charged for merchandise travelling on the same ship from Livorno to Marseilles increased in just three days from 5.5% to 6%, and from 6% to 7%.⁵⁵ A good example of how difficult it was to correctly quantify the odds of future events is provided by Giovanbattista di Marco Bracci, former general manager of the Medici Bank, who was among the main underwriters of the Florentine market in the 1520s. Bracci seems to confirm his good training in business by profiting from the hike in insurance rates caused by the war between France and the emperor, with net gains that were above 7% of the capital invested until 1524. In the following years, however, the picture totally changed, with heavy losses due to the repayment of several insurance claims caused by four seizures and three shipwrecks that brought his decade-long insurance activity to an abrupt end in 1526. The premiums that Bracci agreed to underwrite were clearly too low to match the threats posed by a persisting state of warfare, revealing that contingency could easily lead to a misjudgement.⁵⁶

When factors to cope with become overwhelming and—using Frank Knight's terminology—when risk turns into uncertainty, the standard way of framing future events may end up being misleading. Statistics, even if at hand (and of course this was not the case for people during the Renaissance), were useless for forecasting the exact stretch of sea in which a privateer would strike or a naval fleet would operate. Though an efficient system of commercial correspondence supplied information about these threats, it was nevertheless too slow to provide news updated quickly enough to make reasonable assessments.⁵⁷ Yet, proto-probability—later evolved into mathematical probability—was only one among many of existing types of reasoning that were used to face unknown events. Cognitive sciences and behavioural economics have shown that one does not need consider pre-modern societies to discover

55 ANP, Salviati, *Commercio*, 70, 48v, 50r, 54r, 60v, 62r, 62v.

56 De Roover R., *The Rise and Decline of the Medici Bank, 1397–1494*, Harvard Studies in Business History 21 (Cambridge Mass: 1963) 368–369; data coming from the Salviati archive reveals that, in terms of money invested acting as underwriter, he ranked in fifth position for the years from 1524 to 1526, cf. Ceccarelli, *Un mercato del rischio* 151–153, and 222–224.

57 Ceccarelli, *Un mercato del rischio* 135–155.

a multifaceted array of attitudes related to forecasting. Logical probability, for instance, which is grounded on non-deductive reasoning and on the authoritativeness of the individual making the forecast, represents an alternative system to the mathematical one. Historians of science have stressed that in the past (and partially still today) different types of probabilities were often used jointly in making predictions.⁵⁸

This is likely to be exactly what happened when Renaissance businessmen had to evaluate contingent risks. Taking a closer look at the Florentine market, differences and hierarchies appear. A small group of people had a leading position, not only because of the scale and continuity of their involvement, but also for the reputation they enjoyed among the rest of the investors. To appreciate their role, a brief explanation of how contracts were put on the market is needed. Merchants desiring to be insured, after having established the main features of the agreement, had to find underwriters interested in the business. One after the other, insurers signed the contract, each being liable only for a limited amount of the total which usually was quite considerable. Pooling together thirty or more underwriters was common, which could open the way to neverending negotiations. The shortcut usually adopted was to go first to a esteemed businessman and have him sign the contract. Seeing the signature of this respectable person, others would quickly follow this 'leading insurer' and underwrite the contract at the same premium.⁵⁹ This brilliant marketing strategy also reveals how important what has been called the 'power of authority' was for pre-modern markets, when exerted by experts whom other traders considered skilled at making reliable predictions, triggering a pattern that behavioural economics has defined as 'herding'.⁶⁰

58 See the groundbreaking essay by Tversky A. – Kahneman D., "Judgment under Uncertainty: Heuristics and Biases", *Science* 185 (1974) 1124–1131; a summary of the possible applications to finance is in Shleifer A., *Inefficient Markets. An Introduction to Behavioral Finance*, Clarendon Lectures in Economics (Oxford: 2000); on the possibility of applying an approach as such to the history of scientific thought, see Franklin, *The Science of Conjecture* ix, and 324–325.

59 Ceccarelli, *Un mercato del rischio* 261–270. For descriptions of similar practices in the Amsterdam insurance market in the seventeenth and eighteenth centuries, see Boiteux L. A., *L'assurance maritime à Paris sous le règne de Louis XIV* (Paris: 1945) 15, and Spooner F. C., *Risk at Sea. Amsterdam Insurance and Maritime Europe, 1766–1780* (Cambridge: 1983) 19 and 25.

60 Grinblatt M. – Titman S. – Wermers R., "Momentum Investment Strategies, Portfolio Performance, and Herding: A Study of Mutual Fund Behavior", *The American Economic Review* 85, 5 (1995) 1088–1105; Shiller R. J., *Irrational Exuberance* (Princeton: 2000) 150–151.

TABLE 4.1 *Distribution of underwriters in the position of leading insurer in the insurance market of Florence (1524–26)*

Class of leading insurers (in centiles)	% of contracts underwritten as leading insurer
Top 1%	31.3
Top 5%	55.3
Top 10%	71.5
Top 20%	88.7
Top 40%	99.6

SOURCE: ANP, SALVIATI, COMMERCIO, 70.

In Florence, this system held considerable sway. Data concerning the years between 1524 and 1526 demonstrate that the number of those who had the role of 'leading insurer' was very small. While about two thirds of the underwriters never acted in this position, in more than 70% of the contracts, those who occupied such role came from the restricted class of the top 10% of 'leading insurers', and in more than 30% of them it came from the top 1%, made up of a handful of people, namely just five individuals (see Table 4.1).

They all came from the ranks of the most prominent merchant families, and many of them also enjoyed a high status in Florentine political life. In other words, they were the most able to forecast future events, combining proto-probabilistic reasoning with a logical probability that rested on their business experience and authoritative judgement. The crucial role played by 'leading insurers' is fully described by businessmen operating in eighteenth century markets, but it is useful to note that similar observations were made around the mid-fifteenth century by the abovementioned Franciscan friar Giovanni dei Milanesi of Prato.⁶¹

8 Concluding Remarks

Florence's case shows that multifaceted attitudes in coping with sea risks were at work in the Renaissance insurance business. The overall framework

61 Ceccarelli, "Stime senza probabilità" 684–690.

was complex, indicating that ‘new and old’ attitudes regarding unknown events coexisted. Although businessmen and money play a relevant role in the story, marine insurance was not a matter confined to merchant capitalism, and influences from arithmetic, law and religion are visible as well. Theology set the cultural framework in which making profit from sea hazards could be possible, and mathematics contributed by training businessmen to plan for unknown risks. Proto-probabilistic attitudes that emerged provide an apparently ‘modern’ picture of ideas about future events that developed during the Renaissance. However, logical probability was also applied, revealing that traditional approaches had a lasting effect on how to cope with the unknown. Being entitled to make predictions was not just a matter of individual skills that freely competed in the market, but more often a matter of status and public reputation.⁶² The prominent role leading insurers played had to do with their business experience, but also with hierarchies inherited from an ecclesiastical conception of society. If reconsidered in a risk-friendly environment, such as Renaissance Florence was, Febvre’s ‘transfer from heaven to earth’ appears to be the result of a fruitful interaction between theory and practice, the outcome of an interplay between insurers, friars and abacus teachers.

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62 Cf. Todeschini G., “Theological Roots of the Medieval/Modern Merchants’ Self-Representation”, in Jacob M. C. – Secretan C. (eds.), *The Self-Perception of Early Modern “Capitalists”* (New York: 2008) 17–46 and Todeschini G., *Franciscan Wealth: from Voluntary Poverty to Market Society* (New York: 2009) 151–196, with Shiller, *Irrational Exuberance* 148–152.

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(Non-)Knowledge, Political Economy and Trade Policy in Seventeenth-Century France: The Problem of Trade Balances

Moritz Isenmann

1

Seventeenth-century trade policy is generally framed by historians within the historiographical paradigm of ‘mercantilism’.¹ For Adam Smith and many later theorists of this alleged economic ‘system’, its core was the balance of trade theory as depicted most famously by the Director of the English East India Company, Thomas Mun. In his 1664 posthumously published tract, *England’s Treasure by Foreign Trade*, Mun developed the idea that it was essential for countries that the value of their exports be greater than that of their imports.² This seemed necessary in order to prevent an outflow of bullion which was thought to have deleterious consequences for a country’s economic performance. According to the economic historian Charles Wilson, Mun’s short tract, with its explanation of the balance of trade theory, became the ‘Bible of later mercantilists’.³ Following Wilson, every textbook puts the balance of trade theory at the center of economic thought and policy in the seventeenth and eighteenth centuries.

There has been a great deal of debate on the question of whether the balance of trade theory was as wrong and as ‘absurd’ as Adam Smith had it.⁴ But that is a problem of economic theory. It should suffice here to say that in an economy which was running on coined money, the preoccupation about there always being enough of it in the country was far from being as wrong-headed

¹ For a discussion of this paradigm, see e.g. Coleman D. C. (ed.), *Revisions in Mercantilism* (London: 1969); Magnusson L. (ed.), *Mercantilist Economics* (Boston: 1993); Stern Ph. – Wennerlind C. (eds.), *Mercantilism Reimagined. Political Economy in Britain and its Empire* (New York: 2014); Isenmann M. (ed.), *Merkantilismus. Wiederaufnahme einer Debatte* (Stuttgart: 2014).

² Mun T., *England’s Treasure by Foreign Trade*, (repr. New York – London: 1895) 7.

³ Wilson C., *Mercantilism* (London: 1958) 11.

⁴ Smith A., *An Inquiry into the Causes of the Wealth of Nations* (London, Strahan – Cadell: 1776).

as the Scottish moral philosopher wanted posterity to believe.⁵ The problem I want to address here concerns instead the practical role of the balance of trade theory during the seventeenth century, which is generally considered as the heyday of ‘mercantilism’. However, being able to regulate trade according to trade balances would have required actually have access to knowledge of those balances. Yet for most of the seventeenth century, such comprehensive figures were not available. In England, the collection of trade data was regularized only in 1696, by the establishment of the Inspector Generalship of Customs, the General Register of Shipping, and the Board of Trade, the latter being pre-eminently an information gathering bureau.⁶ The French equivalent of the Board of Trade, the *Bureau de la Balance du Commerce*, was established even later, in April 1713.⁷

From this somewhat odd contrast between the supposed centrality of the balance of trade theory and the actual absence of official trade balances, there arise two questions which I will address with particular regard to France. The first concerns the role of the balance of trade theory and of trade balances in a time when there were no official trade balances registered by governments. The second is: Why was the *Bureau de la Balance du Commerce* established so late? Partly, this may be explained by administrative difficulties. During the *Ancien Régime*, France lacked a customs bureau, which made the collection of trade data extremely difficult. But the fact that this was also the case for the time following the ministry of Colbert (1661–1683) and his immediate successors, suggests there were additional reasons for its late institution. The hypothesis I want to venture in what follows is based on the assumption that ‘knowledge’ and ‘ignorance’ are not stable categories and that what is deemed relevant knowledge in trade depends largely on general assumptions about political economy. Trade balances, and specific knowledge about trade connected with them, became significant in France only with the demolition

5 See e.g. the discussion of the problem in Hutchison T., *Before Adam Smith: Emergence of Political Economy, 1662–1776* (Oxford: 1988) 150–155 and Rössner Ph., “Mercantilism as an Effective Ressource Management System. Money in the German Empire c. 1500–1800”, in Isenmann (ed.), *Merkantilismus* 39–64.

6 Hoppit J., “Political Arithmetic in Eighteenth-Century England”, *Economic History Review* 49, 3 (1996) 516–540. A recent overview of the concept’s history and previous attempts to calculate trade balances in England is provided by Deringer W. P., *Calculated Values: The Politics and Epistemology of Economic Numbers in Britain, 1688–1738* (doctoral dissertation, University of Princeton 2012) 177–182.

7 Charles L. – Daudin G., “La collecte du chiffre au XVIII^e siècle: le Bureau de la balance du commerce et la production des données sur le commerce extérieur de la France”, *Revue d’histoire moderne et contemporaine* 58, 1 (2011) 128–155.

of certain views on political economy which were at the core of the trade policy of Louis XIV's famous minister.

2

For the time before the ministry of Jean-Baptiste Colbert, who was appointed *Intendant des finances* in 1661 and four years later became *Contrôleur général des finances* of the French kingdom, there exist only two trade balances, both of which dating from the second half of the 1640s. The first one was published in a tract with the title *The honourable Commerce*, by a certain Jean Eon, a Carmelite Monk, whose religious name was Mathias de St. Jean.⁸ In his bulky treatise, Eon did not use the notion of 'trade balance'. However, he compared imports and exports into and out of France, reaching detailed and rather pessimistic conclusions. Exports to the Netherlands, he held for example, amounted to 16,701,466 *livres*, while imports reached the volume of 21,445,520 *livres*, leaving France with a trade deficit of exactly 4,744,054 *livres*. Only slightly better was trade with England. Here, imports amounted to 15,372,000 *livres*, and exports reached 12,904,100 *livres*, resulting in a trade deficit of 2,467,900 *livres* for France. A quite different picture was drawn two years later in a pamphlet printed in Paris on behalf of the Parisian guild of the haberdashers (*merciers*).⁹ This pamphlet contained a list of 22 categories of goods, which Dutch and English merchants came every year to buy in France. The sum of all exports made up more than 38 million *livres*. The only foreign commodity listed—we will soon see why—were draperies, which did not amount to more than two or three million *livres*. Not very surprisingly, Eon and the *merciers* reached completely different conclusions. While Eon pleaded to free the kingdom from the alleged economic domination of foreign merchants, the *merciers* argued that trade connections with England and the Netherlands should not be disrupted

8 Eon J., *Le commerce honorable* (Nantes, Guillaume le Monnier: 1646) 28–43. Cf. Cole C. W., *Colbert and a Century of French Mercantilism*, vol. 1 (New York: 1939) 209–214. Eon was a protégé of the Maréchal de Mailleraye, Governor of the Bretagne and Cousin of Richelieu. See Sée H., "Le commerce des hollandais à Nantes pendant la minorité de Louis XIV", *Tijdschrift voor Geschiedenis* 41 (1926) 246–260.

9 BnF, Collection Morel de Thoisy, no. 72, fols. 327–329: "Raisons et Moyens contenus en la Requeste presentée à la Cour par les Maistres & Gardes de la Marchandise de Mercerie, Grosserie, Joüailerie de Paris". See also Morineau M., "La balance du commerce franco-néerlandais et le resserrement économique des Provinces-Unies au XVIII^{ème} siècle", *Economisch-Historisch Jaarboek* 30 (1965) 175–176.

or disturbed in any way. Otherwise, they maintained, many Frenchmen would lose their employment and would have to beg for bread in the streets.

How realistic were these calculations? Eon claimed that his statistics had been compiled on the basis of documents drawn from the customs bureaus of the most important French port cities. He claimed not to have taken only one year, but five, and calculated their average values. In addition, everything had been carefully examined by ‘sincere and faithful persons who have the theory and practice of commerce’.¹⁰ The *merciers* equally referred to official documents. Their calculations, they held, could be easily verified by the registers of the tax farmers who had collected the import and export duties. However, in both cases there is no proof for the veracity of these claims. But this is a secondary question. Because, true or not, the French government itself did not possess the means to verify these calculations. There are no official trade balances or other statistics by the central administration for the years in question. And the very fact that the governments did not have available the statistical means to check the figures presented in these trade balances made it possible for particular groups to push trade policy in certain directions. Eon pursued a clear political agenda by publishing his tract. He was from the city of Nantes, where in the 1640s there was a profound frustration about the foreign (especially Dutch) dominance of local trade. The economic and political motives of the Parisian haberdashers are even more evident. In October 1648, the Parisian cloth manufacturers guild (*drapiers*) had taken advantage of the Crown’s weakness caused by the *Fronde*, and, with the help of the *Parlement* of Paris, imposed an import prohibition on Dutch, English and Flemish woolen and silk cloth, arguing Dutch and English woolens took more than 20 million *livres* out of the country, draining France of its resources of gold and silver.¹¹ The guild of the *marchands merciers* were engaged in long distance trade between France and other countries, and their business interests were necessarily damaged by the import prohibition. Their decision to publish the list of exports was supposed to convince the public that unhampered commerce with England and the Netherlands was highly useful to the kingdom. The *merciers* feared

¹⁰ Eon, *Commerce honorable* 28–29. Morineau, “La balance du commerce franco-néerlandais” 173 thinks that being acquainted with high standing personalities linked to Richelieu Eon disposed of the means for such a work, which Morineau defines as ‘technically possible’.

¹¹ *Declaration du Roy, portant reglement sur le fait de la Justice, Police, Finances, & soulagement des Subiects de Sa Majesté, verifiée en Parlement le vingt-quatrième iour d'Octobre mil six cent quarante-huict* (Paris, Imprimeurs & Libraires ordinaires du Roy: 1648) 11–2. Cf. Cole, *Colbert* vol. 1, 233.

reprisals from the English side, which actually came one year later, in October 1649, in form of an import prohibition of French woolens and silk as well as of all sorts of French wine.

Both trade balances became prominent again at the end of the 1650s, when the government in France, for the first time avoiding major military conflict after almost three decades, decided that the time had come to strengthen the kingdom's economy against foreign competition. In 1659, several chapters of the *Commerce honorable* were reprinted in Paris.¹² Among them was a chapter containing the negative trade balances compared with other European countries, as well as the proposition Eon had made to increase French shipping by declaring that exports out of the kingdom had to be carried exclusively by French ships. Such a decree was enacted on March 15, 1659 but, since France did not have the necessary number of ships at hand, for the meantime permits to export French goods on foreign ships were granted for a special tax of 50 *sous* per ton.¹³ The Estates General of the United Provinces of the Netherlands, who wanted the tax to be repealed because it threatened their cargo trade, sent a special embassy to Paris in autumn 1660 headed by Coenraad van Beuningen with the task of negotiating a commercial treaty between the two countries. From his very first talks with the French Minister of Foreign Affairs Brienne, however, van Beuningen understood that it would be very difficult to persuade the French to rescind the 'shipping money'. Thus, van Beuningen wrote to the Great Pensionary of Holland, Johan de Witt, that evidence was needed in order to prove to his French counterparts the usefulness of Dutch traders for their economy and to show how much France could be damaged by economic reprisals.¹⁴ He eventually presented therefore to the French government the very same list published by the *merciers* of Paris in 1648.¹⁵ It did not serve van Beuningen's purpose, however, and in fact seriously backfired. While the Dutch

¹² Extrait du livre intitulé *Considerations politiques sur le Faict du Commerce de France. Composé par un Habitant de la Ville de Nantes & Imprimé en ladite Ville en 1646* (Paris, s.n.: 1659).

¹³ AN, Marine A1 5, fols. 175–177.

¹⁴ *Lettres et négociations entre Mr. Jean de Witt, conseiller pensionnaire & garde des sceaux des provinces de Hollande et de West-Frise, et Messieurs les Plénipotentiaires des Provinces Unies des Pays-Bas*, vol. 2 (Amsterdam, Janssons-Waesberge: 1725) 119–120.

¹⁵ The document can be found in AN, Marine, B7 486, fols. 257–260: "Advis que donnent les Marchands et Négociants de Paris, qui trafiquent dans les Pays d'Angleterre et Hollande pour faire voir qu'il est très important de maintenir et conserver la négociaiton réciproque" (wrongly dated to the later period of 1663 by a later hand). An English translation of a copy of the document preserved in the State Archives in Amsterdam is given in Rowen H. H. (ed.), *The Low Countries in Early Modern Times: a Documentary History*

diplomat had thought that the huge amount of French exports would prove the usefulness of free trade between the two countries, for many in the French administration, it proved only the benefit of the tax on foreign ships. This was because the greatest part of the products sold to the Dutch were not consumed in the Netherlands but re-exported to other countries. If this was done by the French themselves, the line of reasoning went, they would gain the profit for the carriage and could employ many people as seamen.¹⁶ Nevertheless, the list of the *merciers* was published again in 1669 in the fourth volume of Lieuwe van Aitzema's work on Dutch history, attributing it to Ambassador Willem Boreel, who, according to Aitzema, had allegedly sent it to the Estates General in 1658.¹⁷ This new list, however, bears the sign of Aitzema's editorial input. Now the whole 38 million of French exports were attributed to the Dutch alone, whereas the original document had spoken of exports to the Netherlands *and* England. This completely exaggerated version would again be used by the Dutch to exert pressure on the French envoy François de Callières, sent to The Hague in 1696.¹⁸ One year later Pierre-Daniel Huet, Archbishop of Avranches, reproduced these figures in his *Mémoires* on Dutch trade, which disseminated Dutch mercantile propaganda in France in the wake of the Peace of Rijswijk, obtaining enduring notoriety by the various editions of the *Mémoires* published throughout the eighteenth century.¹⁹

(New York: 1972) 162–4. See also idem, *John de Witt. Grand Pensionary of Holland, 1625–1672* (Princeton: 1978) 466.

¹⁶ See e.g. the memoir of the French diplomat Henri Brasset, who suspected the Dutch to be the original authors of the figures, in AAE, CP, Hollande 66, fols. 30–30v: ‘Les Hollandois sont dans une forte impression d'estre nécessaires à la France, en ce que son commerce en tire de grands avantages par le debit de ses marchandises et danrées, et voulurent en l'année 1648 en faire valoir l'importance lorsque les manufactures de laine de leur pays estant interdites en France, leurs marchants et correspondans exposèrent à la cour et au Parlement de Paris un memoire depuis imprimé et publié avec grande ostentation, portant que les Hollandois seuls en tiroient annuellement pour plus de trente millions de livres de danrées’.

¹⁷ Lieuwe van Aitzema, *Saken van Staet en Oorlogh* vol. 4 (The Hague, Johan Veely et al.: 1669) 290. Furthermore, it was inserted by the merchant Pieter de la Court, who had close ties with Johan de Witt, in several of his works. See therefore Morineau, “Le commerce franco-néerlandais” 175.

¹⁸ AAE, CP Hollande, 164, fols. 44–45.

¹⁹ AN, Marine, B7 463: *Mémoires touchant le commerce qui se fait a present dans les divers endroits du monde par rapport aux Hollandois* (1697) 92. For Huet and the fortune of his *Mémoires* during the eighteenth century, see Cheney P., *Revolutionary Commerce. Globalization and the French Monarchy* (Cambridge, Mass. – London: 2010) 28–30. The

Moreover, the influence of the list was not confined to the Netherlands. Two years after van Beuningen had presented it to the French government, in 1663, the English merchant, Samuel Fortrey, in a tract with the title *England's Interest and Improvement*, dedicated several pages to commerce with France.²⁰ The moment of publication was not fortuitous, for now the English were negotiating a commercial treaty with France. Fortrey deplored at length the 'vast sums of money the French yearly delude us of; either by such commodities as we may as well have of our own, or else by such others, as we might as well in great part be without: whereby no doubt our treasure will be soon exhausted, and the people ruined'. The proof for this assertion was supposedly to be found in a catalogue of French goods exported to England 'delivered in to the King of France, upon a designe he had to have forbidden the trade between France and England; supposing the value of English commodities sent into France, did surmount the value of those that were transported hither'. This 'catalogue' to which Fortrey referred was nothing other than the list published by the *merciérs* of Paris fifteen years before. As Aitzema omitted the English contribution to French exports listed in the original document, so Fortrey did with the Dutch, coming up with a huge trade deficit on the English side:

So as by this calculation, it doth appear, that the yearly value of such commodities as are transported from *France* to *England*, amount to above six and twenty hundred thousand pounds. And the commodities exported out of *England* into *France* [...] do not amount to above ten hundred thousand pounds a year. By which it appears that our trade with *France*, is at least sixteen hundred thousand pounds a year, clear lost to this kingdom.²¹

Fortrey not only left out the Dutch contribution to French exports, grossly distorting the proportions of Anglo-French trade. He also changed or completely misinterpreted the context of the import prohibition against English and Dutch textiles, as he continued:

"mémoire de l'ambassadeur Boreel" was still quoted in Arnould Ambroise M., *De la Balance du Commerce et des relations commerciales extérieures de la France, dans toutes les parties du Globe*, vol. 1 (Paris, François Buisson: 1791) 185.

²⁰ Fortrey S., *England's Interest and Improvement. Consisting in the Increase of the Store, and Trade of this Kingdom* (Cambridge, John Field: 1663).

²¹ Fortrey, *England's Interest* 24–25.

Whereby the King of France, finding it would prove to his loss, to forbid the trade with England, soon laid aside the designe; however raised the customs of some of our English commodities, by which means the vent of those commodities is very much lessened and hindred.²²

The import prohibition had not been an initiative of the French king, but had instead been imposed on the Crown by a particular merchant lobby in a moment of political weakness. Furthermore, the rise in import duties decreed by Mazarin and Superintendent of Finances Fouquet in 1654, to which Fortrey referred, was not an economic measure directed against England, but a fiscal device intended to raise money for the ongoing war against Spain.²³ In Restoration England, where hostility to France was constantly growing and merchant lobbies besieged the throne of Charles II,²⁴ the interpretation that the French king was pursuing a beggar-thy-neighbor policy fell on open ears. In fact, Fortrey's tract may have played a certain role in making the English position during the negotiations with France extremely rigid.²⁵

3

The origins as well as the afterlife of the haberdashers' list of exports show that rather than solid 'knowledge' of trade balances, 'ignorance' or uncertainty of the real economic facts was the true driving force behind trade policies during the seventeenth century. For the English case, the famous *Scheme of Trade*, published in 1674 when the government intended to take up negotiations for a commercial treaty with France again, constitutes another example

²² Ibidem 25.

²³ Darest A. C., "Traites et droits de douanes dans l'ancienne France", *Bibliothèque de l'école des chartes* 8 (1847) 476. The mistake made by Fortrey can be found also in recent works. See, e.g. Rothkrug L., *Opposition to Louis XIV. The Political and Social Origins of the French Enlightenment* (Princeton: 1964) 184.

²⁴ See Rommelse G., *The Second Anglo-Dutch War, 1665–1667. Raison d'état, Mercantilism and Maritime Strife* (Hilversum: 2006) 50–65.

²⁵ The negotiations during the years 1663–4 ended in failure, as would those of the years 1669–72. On the Anglo-French negotiations of these years see Alimento A., "Commercial treaties and the harmonisation of national interests: The Anglo-French case (1667–1713)", in Eadem (ed.), *War, Trade and Neutrality. Europe and the Mediterranean in the seventeenth and eighteenth centuries* (Milan: 2010) 107–128; Isenmann M., "War Colbert ein 'Merkantilist'?", in Idem (ed.), *Merkantilismus* 143–167.

of merchant lobbies trying to influence the English government by publishing a negative trade balance with France.²⁶

But how did the situation evolve in France during the reign of Louis XIV? As has been shown most recently by Jacob Soll and Marie-Laure Legay, with the rise to power of Jean-Baptiste Colbert in the financial administration, there was an intensified effort to gather information about administrative and financial issues in France.²⁷ To some extent, the same effort can be observed with regard to international trade.²⁸ Since the early 1660s, the government tried, for example, to acquire precise knowledge about the number of merchant ships lying in French ports. Furthermore, the royal intendants, upon leaving the province of the French kingdom they had been in charge of, were asked to submit reports on the overall state of their provinces including matters of trade. Colbert also seems to have been interested in calculating the imports into France of products which hindered the sale of similar French products. In 1662 he calculated that the import of fish, stockings, woolens and silk textiles amounted to almost 20 million *livres*.²⁹ One year later, in 1663, Colbert started to annually collect quantitative data from the tax farmers (*fermiers*), to whom the import and export duties were farmed out. On the basis of these data, Colbert compiled alphabetical registers in which he listed the quantity of several goods imported as well as of certain French goods exported. In 1693, however, Director of Commerce, Henri d'Aguesseau, commented on these lists as follows:

For administering trade there is nothing as important as having exact and faithful records of all the commodities that enter and leave the kingdom and to compare these two sets of figures every year. I thought that I could

²⁶ A *Scheme of Trade, As it is present Carried on Between England and France, In the Commodities of the Native Product and Manufacture of each Country; Calculated as exactly as possible, in Obedience to the Command of the Right Honourable the Lords Commissioners for the Treaty of Commerce with France: And humbly tender'd to their Lordships* (s.l., s.n.: 1674). For a discussion of the *Scheme of Trade* see also Priestley M., "Anglo-French Trade and the 'Unfavourable Balance' Controversy, 1660–1685", *Economic History Review* 2nd ser. 4 (1951) 37–52. Already one year before, also Fortrey's tract had been re-published.

²⁷ Soll J., *The Information Master. Jean-Baptiste Colbert's Secret State Information System* (Ann Arbor: 2009) and Legay M.-L., *La banqueroute de l'État royal. La gestion des finances publiques de Colbert à la Révolution française* (Paris: 2011).

²⁸ Meyer J., *Colbert* (Paris: 1982) 221–6; Hoock J., "Le monde marchand face au défi colbertien. Le cas de Rouen", in Isenmann, *Merkantilismus* 224–227 with further literature.

²⁹ Colbert J.-B., *Lettres, instructions et mémoires de Colbert*, ed. P. Clément, vol. 2.1 (Paris: 1863) clxix.

find the information I needed in the alphabetical tables which the late Monsieur Colbert had taken care to compile and which have been continued also following his death. Having examined them, however, they seemed almost useless for my aims [...].³⁰

Four of these tables have survived in the National Archives of Paris.³¹ They are sometimes briefly mentioned in literature, but have never been closely analyzed. It seemed obvious that if Colbert had ordered such tables, he had done so in light of the balance of trade theory. Thomas Schaeper writes, for instance, ‘in 1664 Colbert ordered the tax farmers charged with customs duties to draw up and submit to him alphabetized tables of all exports and imports. Armed with this information, he hoped to be better able to determine if France was buying more than it was selling abroad. Nothing much resulted from this project, however, [...].’³²

The lists contained the following information: In the first column on the left the products were indicated. Moving to the right, a series of customs bureaus in various parts of France were listed, where these products entered the country with the respective quantity of the product, indicated either by the number of pieces or by its weight. In the last column on the right the total quantity of the product was noted, again either by the number of pieces or its weight. Examining the structure of these lists, there are several omissions which at first sight seem to justify d’Aguesseau’s and Schaeper’s skeptical assessments. Supposing that commerce should be regulated according to trade balances, one can easily understand why d’Aguesseau found these lists fairly useless. Firstly, the product description is very rudimentary. Secondly, the price for which these products were sold is missing, as well as the value of imports. Thirdly, the country of origin is not mentioned.³³ In addition, the commodities included in

³⁰ AN, G7 n. 211: ‘Il n'y a rien de si nécessaire Monsieur pour conduire le commerce que d'avoir des estats exacts et fideles de toutes les entrées et sorties du Royaume et de les comparer d'année en année. J'avois crû pouvoir trouver les éclaircissements que je desirois sur cela dans les tables alphabetiques que feu M. Colbert a pris soin de faire dresser et qui ont été continuées depuis sa mort, mais comme après les avoir examinées elles m'ont paru presque inutiles pour la fin que je me proposois, [...]. Cf. Biollay L., *Études économiques sur le XVIII^e siècle. Le Pacte de famine. L'Administration du Commerce* (Paris: 1885) 485–486.

³¹ AN, F12 1834. The years preserved are 1669, 1671, 1672 and 1683.

³² Schaeper T. J., *The French Council of Commerce, 1700–1715. A Study of Mercantilism after Colbert* (Columbus: 1983) 194.

³³ One item, for example, is “Drapes façon d’Angleterre, d’Hollande et d’Espagne”, whose import was indicated only by the total number, without specifying how many draperies came from each of these countries.

the list were far from representing the totality of wares imported into France. The list contained only goods which could be produced in France as well, such as textiles, steel and fish. Others, such as spices for example, which had to be imported in any case, were not mentioned. The most puzzling omission, however, is that of exports. The only items listed are wine, brandy and vinegar exported from Nantes, La Rochelle, Tonne-Charente, Bordeaux and Bayonne. Also here it is not clear to which country they were bound.

If Colbert's goal had been—as Schaeper maintains—to 'determine if France was buying more than it was selling abroad', the failure of his efforts could have hardly been more complete. In fact, these lists have nothing to do with a trade balance as shown by the *Scheme of Trade* or by the tables of bilateral trade which the *Bureau de la Balance du Commerce* would compile after 1713 and which d'Aguesseau wanted to have already in the 1690s. However, there is evidence that contradicts the view that Colbert had failed to gather the knowledge he wanted to have or that the lists were 'incomplete' as L. Biollay holds.³⁴ This is because the structure of these lists remained the exact same from 1663 to Colbert's death in 1683. Of course, collecting precise data from the tax farmers was not an easy task, especially as France during the *Ancien Régime* lacked a customs administration. Considering Colbert's ordinary obstinacy, however, it is safe to say that he would have tried to get additional information if what was contained in these lists did not seem sufficient to him. Apparently, he had considered himself reasonably well informed by these lists for two decades. The reason for the fact that d'Aguesseau thought to the contrary, that they did not contain the necessary knowledge for the proper conduct of trade, is rather to be explained by a substantial difference between their general assumptions of political economy and, therefore, of the kind of information and knowledge considered necessary for the conduct of trade.

Colbert's trade policy has been considerably distorted. It never was the economic war conducted with purely economic means as was depicted by his eighteenth-century detractors and later historians.³⁵ The French *Contrôleur général* believed that there was a 'natural share' of world commerce belonging to each country according to its economic potential. In the relationship

34 Biollay, *Études économiques* 485.

35 For the following, see Isenmann, "War Colbert ein 'Merkantilist'?"; Idem, "Égalité, réciprocité, souveraineté. The Role of Commercial Treaties in Colbert's Economic Policy", in Alimento A. – Stapelboek K. (eds.), *The Politics of Commercial Treaties in the Eighteenth Century—Balance of Power, Balance of Trade* (Basingstoke, Palgrave Macmillan: forthcoming). The standard view on Colbert's economic and trade policy is summed up for example by Jacquot J., "Colbert", in Méchoulan H. – Cornette J. (eds.), *L'État classique. Regards sur la pensée politique de la France dans le second XVII^e siècle* (Paris: 1996) 181–199.

between different countries, this ‘natural order’ should be preserved and made possible by the observation of a set of precise rules and principles, which Colbert tried to make other nations accept. These principles were comprised of the non-discrimination between natives and foreigners with regard to import and export duties (‘national treatment’ in modern terminology),³⁶ the most-favored nation principle, the sovereign right to lower or raise customs and, finally, ‘free trade’ in the sense that everyone was allowed to impose on foreign commodities the import duties he wanted, but that there should be no import prohibitions. All these principles should serve to establish fair competition between the different countries and, what was equally important, competition based on the quality of products and not on their price. Everyone could keep his country free of cheap imports by raising import duties. But it should not be forbidden for inhabitants to buy high quality products when they were disposed to pay a higher price for them as for similar native commodities.

Colbert did not reason in the terms of the balance of trade theory. The lists he had compiled, in addition to his keeping track of the exchange rates between different countries, served only as a very approximate check of whether his policy was working or not—a policy however, which was not deduced from this information, but was conducted first and foremost on the aforementioned principles. If these principles were observed, Colbert thought, there was no question at all that France would sell more abroad than buy from other nations. The wealth of natural resources in France was incomparably greater than that of all neighboring countries. In addition, Colbert could not see why French artisans should make products inferior to those of the English or the Dutch. To the contrary, if the strict regulation of quality he imposed on French manufacturers were observed, French products would not have to fear any competition abroad.³⁷

³⁶ The only notable exceptions to this rule was the aforementioned tax of 50 sous per ton on foreign ships, which was, however, justified by the exclusion of French ships from ports outside Europe and similar taxes existing in other countries. For Levantine trade, it was substituted in 1669 by a 20 percent duty on all goods shipped to Marseille in vessels which were not “French”. See Zwierlein C., *Imperial Unknowns. The French and British in the Mediterranean 1650–1750* (Cambridge, Cambridge University Press: 2016) chapter 1.

³⁷ On quality standards and controls in France, see especially Ph. Minard, *La fortune du Colbertisme. Etat et industrie dans la France des Lumières* (Paris: 1998); Idem, “Normes et qualité dans l’industrie textile française au XVIII^e siècle”, in Stanziani A., *La qualité des produits en France, XVIII^{ème}–XX^{ème} siècles* (Paris: 2003) 69–89. Furthermore, see Grenier J.-Y., *L’économie d’Ancien Régime. Un monde de l’échange et de l’incertitude* (Paris: 1996) 63–70.

However, the problem was that, during his ministry, Colbert did not succeed in imposing his general principles on France's two major competitors, England and the Netherlands. As a reaction to Colbert's tariff list of 1667, which raised duties on the import of many commodities, both countries resorted to the discrimination or even to the complete ban of French products, making Colbert's policy obsolete. The failure of Colbert's 'natural order' led to a situation in which the kind of knowledge Colbert had thought sufficient for conducting foreign trade in the eyes of many turned into ignorance. It was felt that more and different knowledge was needed. Already in July 1686, the Director general of Commerce, Jean-Baptiste de Lagny, wrote to an agent of the farming syndicate that there existed a plan 'to make a general table for the King of what we receive from foreigners and what we give, classified by nations, by quality, type and price'.³⁸ New conflicts over tariffs with the Netherlands and England caused by a tax increase for the import of several commodities into France in 1687 and the beginning of the Nine Years War, which put the kingdom in dire economic straits, made the possibility of obtaining precise trade balances seem all the more necessary. The tax farmers were therefore given, in 1693, new orders to compile lists, which would possess 'a greater extension than have had the orders of late M. Colbert, the changes in commerce and in the administration of customs requiring more precise knowledge (*connoissances*) in order to evaluate the effect of the measures taken since 1687'.³⁹

D'Aguesseau and de Lagny thus initiated a process leading (after many difficulties) eventually to the establishment, in 1713, of the *Bureau de la Balance du Commerce*, which collected a wide range of information throughout the eighteenth century and built up new knowledge about international trade that came to serve as the guideline for French trade policy.⁴⁰ Colbert, on the contrary, had taken the opposite path. He would have instead agreed with

38 Rothkrug, *Opposition to Louis XIV* 220.

39 On the initiatives taken in 1693, see AN, G7 1685, n. 211 and 212; AN, Marine, B7 63. Detailed particular trade balances for the port city of Bayonne for the years 1695–98 can be found in AN, F12 1834.

40 Schaeper, *French Council of Commerce* 193–196. Both the principle of the necessity of a positive balance of trade and the necessary knowledge were further underscored at the beginning of the eighteenth century by some members of the new *Conseil de commerce*, established in November 1700, such as Jean Anisson, deputy of the city of Lyon. See e.g. BnF, Ms. fr. 14294, fol. 19. The final stimulus to implement the *Bureau de la Balance de Commerce* would be provided by the Anglo-French negotiations for a commercial treaty in 1713, in which the French negotiators had the feeling that their English counterparts were considerably better informed on the state and evolution of their trade. See Daudin – Charles, "La collecte du chiffre au XVIII^e siècle" 128–129.

Sir Josiah Child and his reflections on the balance of trade. Being extremely skeptical that it was possible to calculate the value of imports and exports properly at all, the English economist concluded in his *New Discourse of Trade*:

[...] tho' the Study of the *Ballance of Trade* [...] be a Study very Ingenious and Commendable, yet, in my poor Opinion, the inquiry, whether we get or lose, doth not so much deserve our greatest pains and care, as how we may be sure to get, the former being of no use but in order to the latter.⁴¹

4

The problem of the balance of trade in theory and practice during the seventeenth century, upon which this brief sketch has attempted to shed some light without any claims of being exhaustive, confronts the historian with various forms of ‘ignorance’. The sociology of ignorance has elaborated a set of notions to distinguish between different manifestations of ignorance: unconscious ignorance is denoted with the terms of ‘nescience’ or ‘unspecific ignorance’, while ‘non-knowledge’ indicates the same phenomenon after an epistemic shift by which actors have defined the knowledge they thought they were lacking. Close to conscious and unconscious ignorance, but not identical with them for they contain a voluntary element, are the categories of ‘willful and unwill ignorance’.⁴² Taking this terminology as a point of reference, the first case presented could be described as a particular case of ‘nescience’. The veracity of the national trade balances we possess for this period is in general doubtful. Still, the individuals in question did not scrutinize their validity, because their function was above all discursive. Their veracity just did not matter. Sometimes there is even evidence for a more or less voluntary distortion of figures, in which case ‘nescience’ shifts towards ‘willful ignorance’. Often, however, the boundaries between these different forms of ignorance were blurred, for there always remains some portion of ignorance on the part of the historian about historical actors’ actual intentions. Still following the sociological grammar of ignorance, in the second case one could say that there took place an epistemic

⁴¹ Child J., *A New Discourse of Trade* (London, T. Sowle: 1698) 167. Child’s treaty was well known in eighteenth-century France, and his skepticism was shared, for example, by Melon Jean-François, *Essai politique sur le commerce*, 2nd ed. (s.l., s.n.: 1736) 265–292.

⁴² See Zwierlein C., “Towards a History of Ignorance”, this volume.

shift leading from ‘nescience’ or ‘unspecific ignorance’ to ‘non-knowledge’. A kind of knowledge Colbert had considered as sufficient in order to conduct trade, in the eyes of his successors became inadequate and therefore called for additional information.

In this latter case, however, the sociological language seems less useful to me from a heuristic point of view, since it entails necessarily anachronism, as Colbert’s knowledge is judged from an ex-post perspective. It is rather important to note, in my view, that Colbert deliberately chose a certain kind of knowledge in light of his ideas about political economy and only different views on political economy turned his knowledge into ‘non-knowledge’. As far as not only the history of ignorance, but the history of trade policy in the seventeenth century, is concerned, it can be concluded that trade balances did actually play an important role, but not in the way it is generally supposed. Both cases complicate considerably the view presented by the master narrative of ‘mercantilism’ which conceives of trade policy as rational and uniformly driven by the balance of trade theory. The history of political economy and of economic policy would certainly benefit in general from taking the category, and the different forms of ignorance which were also shaping trade policy, more closely into account.

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Ignorance in Europe's State Financial Culture (Eighteenth Century)*

Marie-Laure Legay

The historian of early modern state finances is always confronted with the questions about how processes of reform emerged within the state administrations, even if reform, *per se*, is not his or her object of inquiry, but instead the accounts of a state's treasury, the institutions created and served by financial experts (such as the tontines, pensions, lotteries, *scriptions*, *bons du trésor* or public administration in general).

In this chapter, I will not discuss knowledge—and hence the ignorance—in its theoretical, intellectual, political dimensions as one may encounter it with seventeenth century librarians or with eighteenth century economists, but I will ask about the practical knowledge applied in eighteenth-century financial administration. The domain of application is here essential: the state as administrative emanation of a founding principle of authority which varies from one form of sovereignty to the other.

Seen from that point of view, ignorance is not the non-knowledge concerning a parameter of an administrative procedure, but rather the incapacity to use it. That is why one has to concentrate on the very notion of fiscal innovation, which has to be defined as a process belonging to state building and state development. Innovation within the realm of fiscality cannot be conceived as proceeding in a mechanical and linear process, as French historiography tends to do still today following the schemes once provided by Schumpeter. It is true that the notion of innovation intuitively refers to the idea of something to be new, of change and progress, but I prefer to adopt a structural approach that makes evident the conditions of how public administration emerges as a science or as an object of science.

* Abbreviations: AGR = Archives générales du Royaume, Bruxelles; AN = Archives nationales, Paris.

1 Defining Ignorance

1.1 *The Predominant Culture of the Secret*

Chronologically, *ignorance* regarding the information or the technical aspects of fiscality cannot be observed as such earlier than at the moment when the state organs start to prioritize necessity over the notion of justice. Here we refer to the ideal type of the hypothetical passage from a state of justice to a fiscal state. It is perhaps more accurate to speak instead of a process to organize the means of a state that conceives itself rationally in response to the effects of necessity. I recall here the works of Etienne Thuau on the *reason of state* during the times of Richelieu, an ambiguous notion which still drew upon Christian morality but which also defined a principle of order that had to be imposed upon all.¹ Rationality and realism constituted the first conditions of the emergence of a financial knowledge and know-how. But the ideal order that it claimed to realize remained, during the seventeenth century, inspired by the divine order of society. According to that, *ignorance* was fed by the culture of secret. The secret of and within the processes of decision-making, which was promised to be kept by an oath upon the Gospels, was the virtuous pillar of ‘good government’ and kept in mind the idea that a good administrator should keep the information at his disposal confidential.

One should not neglect the fact that the secrecy of the decision-making processes within corporate bodies such as the estates and the parliaments had forced the state, on the one hand, into needing to negotiate agreements with the elites and had created, on the other, the impossibility of actually *seeing* their accounts, of *knowing* the management of those bodies. Even more so, the state himself extended the culture of the secret to protect the interests of those in power. When the whole French ‘nation’ claimed access to the state’s financial accounts through the intervention of the *Cours supérieures* at the eve of the Seven Years War, Louis XV reacted in two ways. First, he forbade communication about financial affairs with his March 28, 1764 decree, which banned the printing, editing or distribution of anything written that concerned the reforms or the administration of fiscality, condemning ‘the projects formed by people without character [*gens sans caractère*] who dare to render them public’.² His second reaction came in a less known decision: after having agreed to hand

¹ Thuau E., *Raison d’Etat et pensée politique à l’époque de Richelieu* (Paris: 2000) 406.

² *Déclaration du Roi, qui fait défenses d'imprimer, débiter ou colporter aucun Ecrits, Ouvrages ou Projets concernant la réforme ou administration des Finances*, donnée à Versailles le 28 mars 1764, p. 2. Legay M.-L., *La banqueroute de l'Etat royal, La gestion des finances publiques de Colbert à la Révolution* (Paris: 2011).

over the leading role in fiscal reforms to the parliaments (by a declaration of November 1763), Louis xv then proceeded to forbid their access to the accounting records that they required. The *lettres patentes* of July 1764 ordered that the *parlements*, the *Cours des aides* and the *Chambres des comptes* solicit the information necessary for drafting their respective mémoires concerning fiscal reforms directly from the royal *Contrôle général* of finances, excluding ‘all other ways’ and prohibiting ‘the withdrawal by borrowing of any of the registers or accounts’. In sum, Laverdy answered the repeated requests of several courts—among which was first of all the Paris *Cour des aides* in its remonstrance of July 23, 1763, but also of the parliament of Rouen by its decree of July 16—with the negative. The government as the keeper of that fiscal information, profited from the discussion by monopolizing its access.³ This manifest of absolutism towards the *parlements* was premised first of all on the secret as an instrument of governance.

1.2 *The Incapacity of the Old Fiscality*

The power of old customs likewise constitutes an important agent of ignorance. In terms of reformers, the historian encounters incompetent as well as remarkable ones. There is no general rule regarding this issue, and nor was this general problem restricted to the French civil service. Take the case of the 1749 currency reforms in Brussels. This had several purposes, but a major one was to divest the masters of the *Chambre des monnaies* with the administration of coining and currency supervision, and entrust it with a ‘Jointe’ or combined commission placed under the control of the *Chambre des comptes*. The disorder and circulation of debased ducats that ensued was imputed to the incapacity of the *maîtres de monnaies*—count Charles de Clauvez-Briant and the old Jean-François Dewael—who had let matters continuously deteriorate. Even worse, the *maîtres généraux* of that time were renown as *ignorants*, who cared above all for defending their old privileges to get their expense allowances and hindering the most useful reforms. As early as the 1690s, they opposed the introduction of minting presses, judging that innovation to be contrary to the 1600 decrees of the archdukes Albert and Isabelle.⁴ Admittedly, the press reduced their working time and thus their revenues. Starting at that time, they grew jealous of the officers of the *Chambre des comptes*, whose prerogatives were

³ Seen from that point, the failure of the *Parlements* is telling. One finds a different opinion on that with Riley J. C., *The Seven Years War and the Old Regime in France. The economic and financial Toll* (Princeton: 1986).

⁴ AGR Jointe des monnaies 20, “Remontrances des Conseillers Maîtres généraux au trésorier général et Commis des Domaines et finances du Roy”, 1694.

significantly encroaching upon their own. In 1749, Jean-François Dewael was pensioned off, while Count de Clauwez was denounced because of calculation errors that were not attributed to some minor lack of attention, but instead to the incompetence of reasoning.⁵ Still later, it was said that those *maîtres généraux* 'maintained thick clouds that seemed to obfuscate the knowledge of minting and currency [*entretenoient des nuages épais qui paroissoient obscurcir la connaissance des monnaies*]'.⁶

This example reminds us to conceive the body of administrators in a more nuanced way. It is evident that the clerks of the fiscal administration were not particularly inclined to innovate or improve the service of which they were in charge. There were not many tax collectors and treasurers who were active as reformers in France. On the contrary, they often blocked initiatives from outside of their corporation like Colbert's accounting reform or that of the brothers Pâris. Jean-Baptiste Colbert imposed the reform of double-entry book-keeping on the *Compagnie des Indes*, established in 1664. He wanted to introduce it also within all other economic services of the state, mostly the Arsenal, and more generally into the King's public affairs. Claude Pâris La Montagne gave us the reason for this:

Why—everyone will say—has M. Colbert not executed this project though he knew how useful it was? [...] If M. Colbert has not achieved his undertaking, the reason for this is that he lacked the subjects who would have been able to combine the order of the temporary accounts with that of the ordinary accounts according to his design—a very difficult merging because of the very different forms of how the accounts treat each matter.⁷

Nicolas Barrême, the grandson of the famous mathematician, said this in a different way: 'Monsieur Colbert has always wished maintain royal finances in the form of double-entry book-keeping; he did not realize that great project because he did not find any person capable of imposing the order of double-entry book-keeping upon the old order of financial administration and upon the customary manner of keeping accounts at the Accounts Chamber'.⁸ Despite

⁵ AGR Jointe des Monnaies 167, letter of May 1, 1767.

⁶ Witte A. de, *Unknown text* 287.

⁷ Barrême Bertrand-François, *Traité des parties doubles ou méthode aisée pour apprendre à tenir en parties doubles les livres du commerce et des finances avec un traité de finances* (Paris, Nyon Libraire: 1721). Préface by Nicolas Barrême.

⁸ Ibidem.

that failure, Colbert remained determined to prescribe day-to-day accounting practices for all accounts.

Under the *Régence*, the brothers Pâris took the work of Colbert up again, directly referring to the plans of their predecessor. Between 1716 and 1723, they established a system of supervisory accounting in the form of double-entry book-keeping, relying on copies of the day-to-day income and payment books of all accounts. However once again, as in the times of Colbert, the old fiscal administrators were hostile to the government's experts. Louis XV had to relinquish the advantages of that chronological control because it was imposing too many restrictions on the tax collectors and on the fiscal calendar. The system of information of the Pâris brothers instituted effectively led to the acceleration of the circulation of financial data that conflicted with an important element of local social harmony. At the level of the parish, a local collector of the *taille* tax who did his job once the harvest was brought in, had several months afterwards to settle his accounts with the *receveur particulier* who himself had again ample time to settle his account with the *receveur général*. The agrarian economy, highly dependent on the climatic situation, necessitated that flexibility. It is therefore well known that the establishment of a general accounting system capable of following the chronology of revenues and expenses was not successful before 1788, following the traumatizing bankruptcies of the treasurers of the Marine and of War.⁹

1.3 *The Insufficiency of the droit d'avis*

Conversely, it is easy to identify the men whose knowledge enriched French fiscal administration in the eighteenth century. One still has to specify the conditions of that enrichment.

The contribution of men of business to the financial culture of the state is well known. A declaration of war always immediately put the royal treasury in a state of emergency. To arm ships, command the armies, provide for corn, feed, clothing, ropes, the pay of the soldiers—all that required appealing to the capitalists for cash as payment could not be delayed. The close nexus between the state and capitalism—as Fernand Braudel illustrated so well¹⁰—opened doors to bankers who, placed within the heart of the state, had as their primary task the mobilization of financial networks. Nevertheless, when Albisse del Bene, a duly authorized representative of the Gadagne bank, became superintendent of the financial administration in 1550, he did not bring along any specific know-how of financial management, but the power to mobilize cash.

⁹ Legay, *La banqueroute de l'Etat*.

¹⁰ Braudel F., *Civilisation matérielle, économie et capitalisme, XV^e–XVIII^e siècle* (Paris: 1979).

This was the same for Samuel Bernard, Jean-François Laborde, Mathias Nettine, and Barbe Louise Stoupy in the Dutch case. The banker-treasurer did nothing besides bringing along money. One could even say that the mode of financing the state by private banks perpetuated a *system of ignorance* until the point when, at the end of the seventeenth century, the cycles of financing seized up.

Similarly, we do not have to devote much time to the adventurers, the self-made advisors (*donneurs d'avis*) and other 'projectors'. Their know-how and insights reformed the financial system of a state only to a marginal degree. Those men well-versed in financial *techniques* knew how to become known at the European courts. We will take here the example of lotteries to see how certain businessmen dangled tantalizing plans.¹¹ Furnished with some reputation, most of them were protected by the princes. The international recommendations favored the most refined of them who managed to be heard at one or another court, at least for some time. Manfred Zollinger has highlighted that figure of the business man comparable to the 'adventurer' that the *Dictionnaire de l'Académie* of 1694 defined as 'the one who has no fortunes and who tries to establish himself by way of adventures'.¹² His success also provides testimony of the economic instability of the time—quite often, we encounter them at work just after a war had ended, when the level of debts was at its highest—as was the *uncertainty of know-how and knowledge*.¹³ Some of the *donneurs d'avis* did not want anything more than remuneration for an idea contained in their mémoire. Lorenzo Tonti, for example, was paid 60,000 livres, a sum that Louis XV recognized in the *lettres patentes* of 1656 as a 'droit d'avis [consultancy fee]'.¹⁴

The Jacobite Jean Glover worked for Queen Ann Stuart, Emperor Leopold I, the Duke of Lorraine, Louis XIV, and for the King of England and Elector of Hanover George I, before being employed by the son of Leopold, Charles of Lorraine. He was introduced at the French court by recommendation of the Duchess of Orléans, widow of the brother of Louis XIV, Charlotte-Elisabeth of Bavaria, known as Princess Palatine.¹⁵ This Englishman called himself a squire

¹¹ Legay M.-L., *Les lotteries royales dans l'Europe des Lumières* (Villeneuve d'Ascq: 2014).

¹² Zollinger M., "Organisierter Zufall. Lotterieunternehmer im 18.Jahrhundert", in Matis H. – Resch A. – Stiefel D. (eds.), *Unternehmertum im Spannungsfeld von Politik und Gesellschaft* (Vienna – Berlin: 2010) 11–36, here 14.

¹³ One can also refer to Knapp V., "Der Abenteurer als Demonstrationsobjekt und Skandalon der französischen Aufklärung. Zum Funktionswandel der Bekenntnisse von erlebten Abenteuern", *Euphorion* 79 (1985) 232–250.

¹⁴ *Lettres patentes de décembre 1656 pour l'établissement d'une blanque*, cf. Delamare Nicolas, *Traité de Police* (Perpignan 1788), Livre III, titre IV, chapitre VII, 429.

¹⁵ Legay M.-L., "Financial crisis and statecraft under Louis XIV: the Jacobite Jean Glover and Europe's first popular lotteries", *French History Review* 28, 4 (2014) 453–470. The Duke of Orleans, Louis XIV's brother, died in 1701.

and was eager to mention that he was 'the only engineer of England who had followed the late King James of glorious memory'.¹⁶ He was the author of a book on *La Nouvelle Méthode d'exécuter les Loteries [the new method of conducting lotteries]*, published in 1704, of which the *Journal des Savants* printed a summary in 1706.¹⁷ His lotteries were running some time before he went bankrupt during the War of Spanish Succession. The abby of Gua de Malves 'a friend of systems and novelties', praised by Condorcet, likewise proposed several lottery schemes to the government, but they were judged unfavorably.¹⁸ One can also mention the case of an old officer of the Swiss Guard regiment, Lafontaine, who published in London in 1775 a *Précis de projet d'opération de finance, par forme de loterie [a sketch of a project of financial operation in the form of a lottery]*,¹⁹ or that of the famous agent and intellectual, Beaumarchais, whose lottery project was inserted into the *Oeuvres de M. de Voltaire* that he published in 1781.²⁰ The project itself seemed so dodgy that Bachaumont mocked openly and bitterly:

We will not at all start to explain this lottery where the most apt calculators do not understand anything. One has to wait until its inventor, the sieur de Beaumarchais, might furnish the explications that he is asked for.²¹

The tradition of giving advice and consulting (the 'droit d'avis') continued through the whole century. As the *precise counterpart of the culture of secrecy*, it was revived under Jacques Necker after the state bankruptcy of 1787. The director of finances forced the French to contribute. Numerous advisory texts were written and sent to the *Contrôle général*. Among them were the *mémoires*

¹⁶ AN G7 1728, pièce 75, placet by Jean Glover 1711.

¹⁷ *De par le Roy. Avis pour la loterie de Son Altesse royale de Lorraine.—Extrait d'un Article du Journal des Savants, du 27 décembre 1706, et privilège accordé par le Roi en son Conseil à Jean Glover pour sa nouvelle méthode de loterie* (Paris, chez Jean-Baptiste Cusson: 1704). Cf. also Glover Jean, *Nouvelle manière d'exécuter les lotteries les plus composées avec toute la précision et la facilité qu'on peut souhaiter [...] par M. Glover [...]* (Paris, chez Jean-Baptiste Cusson: 1705).

¹⁸ Condorcet, *Arithmétique politique, textes rares ou inédits (1767–1789)*, ed. B. Bru – P. Crépel (Paris: 1994) 548. Bachaumont Louis Petit de, *Mémoires secrets pour servir à l'histoire de la République des lettres en France, depuis 1762 jusqu'à nos jours, ou Journal d'un observateur* (London, John Adamson), tome XXXIII (1788) 192.

¹⁹ Lafontaine, *Précis de projet d'opération de finance, par forme de loterie* (London, John Smith: 1775).

²⁰ Beaumarchais Pierre-Augustin Caron de (1732–1799). Cf. Bachaumont, *Mémoires secrets*, tome XVII (1782) 49–50.

²¹ Ibidem.

of amateurs. I have studied 182 of them.²² 59.3 % came from the provinces, 40% from Paris and 0.6% from foreign countries. 73% of those *donneurs d'avis* were bourgeois. Many presented nonsense projects while only some 20% of the *mémoires* can be considered as offering serious expertise.

In terms of this first analysis of eighteenth century conditions, we end up with the picture of an administration still indulging in a dogmatic idealization of political authority. No autonomy of action was offered, and even less autonomy of knowledge was available for those offices immersed in the culture of secrecy, and organized to execute the decisions of the king. Before *knowledge* can operate through and has an impact on that administration, it had to first generate a conception of itself *as* such an administration. No reformer coming from civil society could enrich that state with his knowledge unless and before he understood its nature.

2 Administrative System Changes

If we concentrate on France, we can identify three major changes in the administrative system that shook the state during the early modern period and that successively integrated into a more scientific approach toward and use of aggregated financial information within the royal administration, a path to knowledge. The ‘information system’ of Colbert was followed by the deployment of a ‘science of administration’ during the eighteenth century, structured around the public accounting system, before that latter was founded on even more comprehensive knowledge that included a national accounting system at the end of the eighteenth century. From this point of view, the pioneering study by John Bosher, who situated the passage from *business* to *bureaucracy* between the years 1770 and 1794 without considering the accounting reforms of the earlier eighteenth century has to be revised, at least on what concerns the cultural dimension of the problem.²³

²² Legay, *La banqueroute de l'Etat royal*, based on AN F4 1938 and 1939. Before Necker, Boullongne had already advertised for new projects, to which appeal the French had responded between 1757 and 1759. Cf. Felix J., “Le bureau des rêveries: le conseiller d'Etat Fontanieu et les projets de finances au milieu du XVIII^e siècle”, in *Etudes sur l'ancienne France, offertes en hommage à Michel Antoine* (Paris: 2003) 153–173 and Théré C., “L'édition économique et ses auteurs en 1789”, in Faccarello G. – Steiner P., *La pensée économique pendant la Révolution française* (Grenoble: 1991) 59–63.

²³ Bosher J.-F., *French Finances 1770–1795: From Business to Bureaucracy* (Cambridge: 1970).

2.1 *The Colbert System*

As Jacob Soll has shown,²⁴ Jean-Baptiste Colbert, after organizing his own rise to power, became subservient to his king and established an impressive system of financial information. An apprentice of the state, he fed his immense curiosity with humanist, ecclesiastical, military, financial and juridical works. By his death, his library (that had been methodically established by Etienne Baluze) contained more than 23,000 printed works and 5,100 manuscripts. He acknowledged the work of his precursors. He composed an immeasurable number of reports which he annotated carefully. For the financial information, he ordered the creation of 'abridged [sc. reports: *abrégés*] or 'financial agenda [*agendas de finances*]'; small pocket books richly decorated for the use of Louis XIV, wherein were noted the revenues and expenses for a year, or in form of comparisons between one year and the other.

Relying on that systemic conception of the commonwealth, he developed accounting legislation.²⁵ The order of September 15, 1661 ordered that the principal royal officers should hand over their accounts to the royal Council of Finances. He asked public accountants to establish and present a real budget (*état au vrai*), meaning a report of the situation of their revenues and expenses once the visionary budgets (*état de prévision*) had been executed. That type of document had already existed during the sixteenth century, but Colbert wanted the budget to be retroactively checked the following year, not only by the competent authorities—the *bureaux de finance* in the provinces—but also by the central offices. He forbade the *Chambres des comptes* to authorize the use of entries that had not be verified before by the ministry. In other words, Colbert accelerated the passage from a state of law to the fiscal state as he subordinated the legal control of the accounts to the establishment of balances of revenues and expenses. By transforming the real budgets into proper accounting facts, he realized the king's desire to take control of the management of resources. For the aim of subordinating legal control of the accounts to prior administrative verification, a special office was established that took the name of *bureau de la vérification des états au vrai* [*office of verification of the real budgets*]. Furthermore, he gave an order to the accounting officers of the marine to send every three or six months a table enumerating the money received or spent in the ports. The first *contrôleur général* wanted 'to always know the funds in the hands of the treasurer' and to thus establish the systemic control of the state of itself. We should recall here that the establishment

²⁴ Soll J., *The Information Master. Jean-Baptiste Colbert's Secret State intelligence System* (Ann Arbor: 2009).

²⁵ Legay, *La banqueroute de l'Etat royal*.

of ‘general control’ earned the admiration of the European courts such as Brussels, Madrid, and Turin, even if the French policy of who organized the general control of finances outside of the chamber of accounting was difficult to imitate.²⁶

2.2 *The ‘Science of Administration’*

One of the main stages of constructing financial and fiscal knowledge was at the end of the seventeenth century, when the last wars of Louis XIV propelled the European states into financial efforts without precedence and generated a public debt of a likewise unheard dimension.²⁷ Bank systems were organized at that moment in England²⁸ or in Vienna,²⁹ important fiscal reforms were undertaken in Italy, in Piedmont-Savoy,³⁰ in France—while the science of accounting, the administrative science *par excellence*, was still in state of development.

We have shown how the reforms enacted between 1716 and 1723 were intended to establish a ‘science of administration’. With the edict of June 1716, the model of keeping day-to-day-accounts was extended to all financial officers who were instructed to keep a supervisory account different from the accounts maintained by their cashiers: the general receivers of finances, the general receivers of the domains, the general treasurers... Beyond the holding of that daily account, all accounting officers were obliged every two weeks or every month to send true copies of those accounts—copies that were worked through and verified and thus allowing the determination of balances at the level of the state’s center. The Pâris brothers—rehabilitated in 1721 after the failure of the system of John Law—convinced Charles-Gaspard Dodun in 1722 to continue ‘that new establishment which concerns all the state expenses’,³¹

²⁶ Legay, “La circulation de la science comptable entre Etats européens au XVIII^e siècle: capillarité géographique et hybridations administratives”, in *Les circulations internationales en Europe 1680–1780* (Paris: 2011) 177–203.

²⁷ Brewer J., *The Sinews of Power. War, money and the English Stat, 1688–1783* (London: 1989); Rowlands G., *The Dynastic State and the Army under Louis XIV. Royal Service and Private Interest, 1661 to 1701* (Cambridge: 2002).

²⁸ Dickson P. G. M., *The financial revolution in England: A Study of the Development of Public Credit 1688–1756* (London: 1967).

²⁹ Mensi F. von, *Die Finanzen Österreichs von 1701 bis 1740* (Wien: 1890) 571.

³⁰ Einaudi L., *La finanza sabauda all’aprirsi del secolo XVIII^e durante la guerra di successione spagnola* (Turin: 1908); Storrs C., *War, Diplomacy and the Rise of Savoy 1690–1720* (Cambridge: 1999).

³¹ AN A2 25, pp. 156–162, letter by the count of Morville to Beauharnais, July 31, 1723. Cf. the arrêt of January 18, 1721 ‘commettant les frères Pâris pour suivre l’exécution des édit d’août

to deliver extracts of the expense accounts every six months to be copied into the book of the king. That reform was extended to the general tax farm. The laws of October and December 1723,³² supplemented by the rules that concerned the treasurers of the 1724 *Extraordinaire des guerres [the extraordinary tax levied for war financing]*, crowned that architecture of reforms. Copies of all those journals received from the accounting officers served to create a general accounting book kept in the double entry-system, in which every financial operation was registered in chronological order in the form of an entry comprising of the amount of money, its origin and its destination.³³ This legislative arrangement must also be interpreted as a project of bureaucratic management in the truly Weberian sense of the term *Verwaltung*.³⁴ Its purpose was in fact the inauguration of a science of administration, a 'control that we call afterwards *administration de journaux* [administration of the journal-accounts] or just *administrations*'.³⁵

At the same time, the science of administration was also advancing in Vienna. In 1703, the president of the *Hofkammer*, Gundaker Thomas von Starhemberg, published an extensive analysis of the state of accounting.³⁶ The author started with the necessity of a register of the main operations, the *Hauptprotokoll*, following from which a main register book (*Hauptbuch*) of revenues and expenses was to be formed, as well as an accounting journal (*Diarium*) into which revenues and payments would be written in

1716, déclaration du 10 juin 1716 et arrêts des 24 juillet 1717 et 30 août 1718 concernant les registres journaux de la recette et maniement des fermes' (AN E 2026, fols. 125–126).

³² AN E 2042, fol. 327: *Déclaration du Roy concernant la tenue des registres journaux, donnée à Versailles le 4 octobre 1723*, p. 1.

³³ Lemarchand Y., "Comptabilité et contrôle, une expérience de la comptabilité à partie double dans les finances publiques sous la Régence", *L'administration des finances sous l'Ancien Régime* (Paris: 1997) 129–154.

³⁴ The Weberian definition of bureaucracy identifies it as the manifestation of an ideal type of the modern state wherein the administration is constituted by qualified, disciplined officers who do not own their offices and who follow impersonal general rules (cf. Weber M., *Wirtschaft und Gesellschaft*, ed. J. Winckelmann (Tübingen: 1956) vol. 1, 164–166).

³⁵ AN K 885, pièce 1, "Mémoire personnel aux sieurs Pâris sur les affaires générales où ils furent employés", fol. 11.

³⁶ The title was *Methodus, der dargelegte, Wie zu Ihrer Kay[serlichen] May[estät] ohnfehl-bahr besseren dienst die Negocia Cameralia zu Tractiren* cf. Hangerer M., "Herz der Hofkammer—haubt buch über das universum. Die kaiserliche Hofbuchhaltung zwischen Transaktionsdokumentation und Staatsgestaltung (16. bis 18. Jahrhundert)", in *Hofwirtschaft. Ein ökonomischer Blick auf Hof und Residenz in Spätmittelalter und Früher Neuzeit* (Ostfildern: 2008) 191–240, here 191.

chronological order.³⁷ By the help of those two tools, it would become possible to recognize the actual state of the public accounts and to budget more effectively for expenses. However, the main realization of that project took place in 1713 and in 1717 with the formation of the *Bancalität*.³⁸ In fact, after the War of Spanish Succession, which was so productive in aligning businessmen and public administrators, the Count of Starhemberg tried to introduce the keeping of the books in form of the double-entry system within the organization of the treasury. This experience of introducing the double-entry book-keeping was presented as inspired by the French model in Schrözer's letters:

In 1717, one followed the example of France in Vienna. But one soon had to cut back on that because one had made the error of employing only accountant clerks of bankers to that end who understood public [*kamer-alische*] accounting as badly as those [sc. the state officers] who understood the merchant way of accounting.³⁹

Applied to all accounting offices without exception, the science of accounting was a global method of administration that rendered the ministry of finances capable of exactly following the situation of the treasury by way of knowing the facts precisely noted in the journal. By profiling the daily use of funds, the administration prevented errors and the double use of the same value. It distinguished between accounts of assets on 'paper' and accounts for silver money. As for expenses, it had particular effect upon the military sphere, establishing the accounts of every regiment. 'It uprooted the old abuses and foremost those that had been so frequent at the occasion of recruitment, the routes and reviews of troops'.⁴⁰

37 Hangerer, "Herz der Hofkammer". Starhemberg was preparing a huge query list addressed to the three principal accounters by decree of December 1, 1707 (the *Hofbuchhalter*, the *Niederösterreichischen Buchhalter* and the *Kriegsbuchhalter*).

38 Created in 1715, this institution was charged with the emission of state obligations but also with the keeping of the general accounts, and, together with the Court Chamber (*Hofkammer*), with the control of the budget's execution.

39 August Ludwig Schrözer's *Briefwechsel meist historischen und politischen Inhalts* (Göttingen, Johann Christian Dieterich: 1782) vol. 10, 306: '1717 folgte man in Wien dem Beispiel Frankreichs. Es mußte aber bald wieder ein Abschnitt gemacht werden, weil man den Fehler begangen hat, bloß Buchhalter von Banquiers dazu zu gebrauchen, welche die kameralische Buchhalterei so wenig verstanden, als diese jene, die merkantilische'.

40 AN K 885, pièce 1: "Mémoire personnel aux sieurs Pâris sur les affaires générales où ils furent employés", fol. 70.

The partial failure of those reforms, in Paris as well as in Vienna, primarily caused by the resistance of the old financial establishment, did not prevent the diffusion of the knowledge implied in them throughout Europe.⁴¹ The remarkable administrative and accounting knowledge of the general tax farmers spread to Italy, most of all in Tuscany after 1741,⁴² to Brussels,⁴³ and to Berlin.⁴⁴ Without doubt, tax farmers contributed to the birth of modern fiscal control systems functioning as an institutional coupling between the sphere of merchant knowledge and that of state knowledge.

2.3 The New Order

In the middle of the eighteenth century, many European administrators became seduced by state knowledge. Europe had become a space of exchange between enlightened men, and this republic of knowledge⁴⁵ was inaugurated. Here one should recall the importance of the correspondence of August Ludwig Schlözer for the knowledge of public accounting. Among the first hand information disseminated between 1777 and 1781 in Göttingen, one finds a table with the 1700 revenues of the Russian Empire, the state of Sweden's finances in 1772, a summary of the revenues and expenses of the bank of the city of Vienna for 1773 (vol. 1), the state of finances of the Netherlands in 1776 (vol. 3), a state of the fixed obligations and revenues of the Principality of Dombes and another table of Russia's revenues of Russia in 1774 (vol. 4) ... etc. Schlözer also published from 1777 extracts from the stirring work of Jean-Baptiste Coquereau, *Mémoire concernant l'administration des finances sous le ministère de M. l'abbé Terrai, Contrôleur général*, published in London in 1776, and he certainly

⁴¹ Waquet J.-C., "Les fermes générales dans l'Europe des Lumières: le cas toscan", in *Mélanges de l'Ecole française de Rome, Moyen Âge et temps modernes* 89 (Rome: 1977) 983–1027.

⁴² Waquet J.-C., *Le grand-duché de Toscane, sous les derniers Médicis: Essai sur le système des finances et la stabilité des institutions dans les anciens Etats italiens* (Rome: 1990).

⁴³ Legay M.-L., "Un Français à Bruxelles: les réformes comptables de Benoît-Marie Dupuy (1746–1756)", *Comptabilités* 1 (December 10, 2010), URL: <http://comptabilites.revues.org/156>.

⁴⁴ Schultze W., *Die Organisation der Regie von 1766 bis 1786 und die Reform der Akzise von 1766 bis 1770* (Leipzig: 1888); Pritze J., *Beiträge zur Geschichte der preussischen Regieverwaltung 1766–1786* (Berlin: 1912).

⁴⁵ Roche D., *Les Républicains des lettres. Gens de culture et Lumières au XVIII^e siècle* (Paris: 1988); Bots H. – Waquet F., *Commercium litterarium, 1600–1750. La communication dans la République des lettres* (Amsterdam: 1994); Berelowitch W. – Porret M. (eds.), *Réseaux intellectuels et sociabilité dans l'Europe à la fin des Lumières* (Geneva: 2008); Lebeau C., "La République des administrateurs, une société médiate", in *La plume et la toile. Pouvoirs et réseaux de correspondance dans l'Europe des Lumières* (Arras: 2002) 273–287.

distributed the results of Johannes Mathias Puechberg's works, the inventor of the new cameralist accounting system of which we have studied its reform.⁴⁶

It would be impossible to provide a general overview here of all the men, ideas and financial reforms for the whole of Europe.⁴⁷ We will just confine ourselves to recall the fundamental role of Lavoisier in the emergence of a national accounting system in France within the context of its contemporary reception. Prior to 1920 and the elaboration of a true system of national accounting, several forms of estimating national revenues have been tried out in Europe using the works of political arithmetic. In his book *La Richesse territoriale du royaume de France* (1791), Lavoisier proposed a system of statistical representation of the economy of the country within a coherent framework of accounting techniques, composed by different general accounts in values of natural goods and of money for agriculture, commerce, industry and balances.

What is interesting is that the theoretical frame of his thought served the reform of the treasury. The six deputies of the treasury nominated by the decree of March 27 (Jean de Vaines, Condorcet, Lavoisier, David Rouillé de l'Etang, Antoine Pierre Dutremblay and Barthélemy Huber) delivered their report in June 1791. The first part of it describes the state of the offices of the treasury. The second part, written by Condorcet and Lavoisier, allows the historian to measure the degree of acceleration that the political considerations applied to financial system had made up to that moment. The third part, finally, elaborated an ideal organizational sketch which was not immediately realized but would form the definitive basis of the future public treasury. First, one had to finish with all the erroneous practices used until that time in public accounting. For that purpose, the deputies saw one and only way: the suppression of the existing institutions, of the royal treasury as well as of the *Chambre des comptes*. 'Their dissolution is an indispensable consequence of the new order of things as decreed by the National Assembly', Condorcet explained. That new order was to finish with the 'illusory' service of the financial officers, whose 'mismanagement' had been the cause of the state's bankruptcy.⁴⁸ To enlighten the members of the assembly, Condorcet dissociated moral responsibility from material responsibility concerning public money. According to him, the former

⁴⁶ Legay M.-L., "At the Beginnings of Public Management: Administrative Science and Political Choices in the Eighteenth Century (France, Austria, Austrian Netherlands)", *Journal of Modern History* 81, 2 (2009) 253-293.

⁴⁷ Grenier J.-Y., *Histoire de la pensée économique et politique de la France d'Ancien régime* (Paris: 2007); Faccarello – Steiner, *La pensée économique*; Perrot J.-C., *Une histoire intellectuelle de l'économie politique, XVII–XVIII^e siècle* (Paris: 1992).

⁴⁸ Perrot, *Une histoire* 198.

was guaranteed by collegial loyalty and control of the assembly. Concerning the latter, e.g. the solvency of those who administrated the money, the mathematician judged it to be impossible to ask cashiers for security deposits and that only the opening of an account at the cashier d'Escompte could enable healthy management, eliminating all the cashiers of expenses which transferred somehow to the bank. However, his proposition was not accepted by the other deputies, and the government had to return to the traditional system of security deposits by administrators.

As much as he was concerned himself, the chemist Lavoisier preferred the new methods of public accounting, the only ones which could provide the national assembly with the necessary information to decide upon the allocation of funding. Lavoisier distinguished between two types of accounting: 'one of verification, which is confined to know that what had been transferred into each account, what had been taken out of it, in such a manner that not only the sums but also the destinations [sc. of the money] harmonize with each other; the other a legal type of accounting which means the checking of entitlements'.⁴⁹ Lavoisier concentrated for a long time on the first and described the general principles of the accounting according to the double entry book keeping system, the establishment of a link between the daily, weekly, monthly and yearly registers, in sum the methods of a real-time accounting practice relying on the 'result deduced from known elements and not the result that one has thought *ex ante* to be necessary'. Concerning the accounts of the treasury itself, Lavoisier separated the recipients of payments (payments to an individual, to a treasurer or payer who needed to distribute to individuals, to a treasurer or payer who had distributed in advance), all of which one would later call the 'correspondence partners of the treasury', and he defined the different forms of payment (cash or negotiable asset/security, promissory notes of the recipients). As Jean-Pierre Poirier has emphasized, Lavoisier, as a perfect representative of the quantitative way of reasoning, proposed 'a system of statistical representation of the economy of the country within a coherent accounting framework'. 'It would be very useful to equip the national treasury with a calculator' declared Lavoisier. In his mind, the latter should prepare all sorts of calculation in advance. Those preliminary calculations should be extended to all the parts of the political arithmetic. By narrowing his *De la Richesse territoriale de la France*—published likewise in 1791—to his *mémoire* about the organisation of the public treasury, historians have underlined in fact the impact of the theoretical work of the political economist who suggested a compilation of the aggregated economic tables that would have been appropriate for comparison

49 Ibidem 211.

with the tables of fiscal states and in so doing to lay the basis of a national accounting practice.⁵⁰

We thus understand that the political choices of Condorcet and Lavoisier, very much in favor of the prerogative of the legislative power over the executive, combined with their mathematical and statistical craftsmanship, theoretically enabled a truly public management of the royal finances. Yet, the one as much as the other stumbled over the essential question of providing liquidity.

3 Conclusion: Towards the Science of Public Administration

One reads in the article 'administration' of the *Encyclopédie méthodique*:

That knowledge [sc. of the science of administration] is sterile; it is always insufficient to achieve the good as long as it remains lonely. But it should not be despised. Because so many administrators have neglected that science, they have given often signs of nonsense, ignorance and stupidity.⁵¹

This finding was general and was confirmed by the deputies of the treasury, established in 1791, who denounced, as had Lavoisier, the 'spirit of routine' that had seized the offices of the administration of the Ancien Régime.⁵² Under the Empire, Mollien still criticized the custom of French administrators of 'preferring, for the solution to questions of that kind, some vague theories over the serious study of facts'. For the minister of the treasury, this disposition, which he noticed with the administrators of the 1790s, had very old roots.⁵³ Charles Ganilh, deputy under the Restoration and member of the budget commission in 1816 put it differently:

I knew that our men of finances are in fear of books and of authors and neglect nothing that might inspire terror of the theories. They still

⁵⁰ Arkhipoff O., "A propos d'un bicentenaire: Lavoisier, *De la Richesse territoriale du Royaume de France*", *Journal de la Société de la Statistique de Paris* 1 (1990) 37; Klotz G. "Figures de la pensée quantitative en France", *Dix-huitième siècle* 26 (Paris: 1994).

⁵¹ *Encyclopédie méthodique. Jurisprudence. Tome neuvième contenant la police et les municipalités* (Paris, Charles-Joseph Pancoucke: 1789) 158, article 'administration'.

⁵² *De la situation du Trésor public au premier juin 1791, par les commissaires de la Trésorerie nationale*, ed. J.-P. Poirier (Paris: 1997) 195: *mémoire* by Antoine-Laurent de Lavoisier, *Des principales causes qui ont contribué à compliquer la marche des opérations du Trésor public*.

⁵³ Mollien N.-F., *Mémoires d'un ministre du Trésor public 1780–1815* (Paris, Fournier et Cie: 1845) vol. 1, 359.

conceive of Sully, Colbert or Turgot as theoretical thinkers, as dreamers and ideologists; they do not suspect that the science they practice with such eagerness is nothing other than the application of theories taught by important men.⁵⁴

The contradiction between these two statements is more than evident. The two men, Mollien and Ganilh, both agree on the incapacity of the administrators of finances. The first regretted how they did not adapt economists to the practice and their incapacity to draw applications thereof, the other even more generally their ignorance of relevant authors. One could thus follow the advice of Alexandre-Maurice Blanc de Lanautte, Count d'Hauterive, economist and diplomat, who lamented, in his work of 1817, the weakness of reflections concerning public accounting within French thought. He himself, in his *Eléments d'économie politique, suivis de quelques vues sur l'application des principes de cette science aux règles administratives* (1817) contributed to the conceptualization of the doctrine of public finances which he designed as a science of 'administration', as the brothers Pâris did in their times.⁵⁵ The bureaucracy which started to establish itself in France therefore had the particular character that it had no culture. Much later, the analyses of Blanqui confirmed in a still more complete form the idea of a more universal disinterest of the thinkers of that period in political economy.⁵⁶

Note: Translation from French by C. Zwierlein, terminological difficulties have been resolved as good as possible in collaboration with the author.

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PART 3

Semantics

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Voluptas Carnis. Allegory and Non-Knowledge in Pieter Aertsen's Still-Life Paintings

John T. Hamilton

The iconoclasts of the sixteenth century were men of conviction. Even if they would refrain from claiming full knowledge of divine Will, they acted with assurance that God, in His infinite grace, had revealed through Scripture the *knowledge* of right and wrong, truth and falsehood. Despite their professed humility, the iconoclasts were encouraged by this revealing knowledge to carry out feats of ferocious violence with unswerving commitment and confidence. In contrasting the simplicity of the life of Christ's first disciples with the luxury and abuses of the present day, the iconoclasts concluded that modern society had taken a wrong turn and that they were now living in an exceedingly *carnal* world where all true values had been overturned. Indeed, it was precisely a concern about the flesh that mattered most, for the knowledge of God, manifested in Jesus Christ, the Word made flesh, was understood as the only possible redemption from the sins of the flesh. God willing, the Incarnation would save the faithful from the consequences of carnality. Yet, the ambivalence of the flesh both as a marker of waywardness and as a promise of salvation has always been sufficiently troublesome to give pause.¹ In the sixteenth century, the spectre of Gnosticism, which had haunted orthodox dogma from the earliest centuries of Christian faith, continued to exert its appeal, if only because its dualist view offered an all-too-simple solution to the problem of evil, namely by denigrating *this* world—the world of the flesh—in favour of the next. The elevation of the spirit, ‘which gives life,’ was consistently performed at the expense of the flesh, ‘which counts for nothing’ (John 6:64, Vulg.).² That is to say, quite resolutely, that the flesh is of no benefit, no use, without profit: *caro non prodest*. For the iconoclasts, the knowledge or *gnosis* of what is valuable and what is not distinguished the flesh as something to be sacrificed in the

¹ For a comprehensive overview of the ambivalence of the flesh in Christian doctrine, see Cooper A. G., *Life in the Flesh: An Anti-Gnostic Spiritual Philosophy* (Oxford: 2008) 34–58.

² Depending on the source, biblical quotations are taken either from the Latin Vulgate (Vulg.) or the New King James' Version (NKJV) and marked thus in the text.

figure of the Lamb of God—*caro enim mea vere est cibus* (John 6:56)—for the flesh is truly but meat.

The costly production of religious images, which tempted the wealthy to believe in the efficacy of good works, and the reception of these images, which misguided the uneducated into idolatry, were seen as promulgating an evil that jeopardized the health of all believers. Both practices were deemed to be at fault, insofar as they viewed from the sole perspective of the flesh. In the words of Saint Paul:

Now the works of the flesh are evident, which are: adultery, fornication, uncleanness, lewdness, idolatry, sorcery, hatred, contentions, jealousies, outbursts of wrath, selfish ambitions, dissensions, heresies, envy, murders, drunkenness, revelries, and the like; of which I tell you beforehand, just as I also told *you* in time past, that those who practice such things will not inherit the kingdom of God. But the fruit of the Spirit is love, joy, peace, long suffering, kindness, goodness, faithfulness, gentleness, self-control. Against such there is no law. And those *who are* Christ's have crucified the flesh with its passions and desires. (Gal. 5: 19–24, NKJV)

In the radical view of the iconoclasts, the enthrallment to visual art perpetuated the ‘works of the flesh’ by binding the soul through the sinful filter of the flesh: ‘For all that *is* in the world—the lust of the flesh, the lust of the eyes, and the pride of life—is not of the Father but is of the world’ (1 John 2:16, NKJV). The preponderance of fleshly vision turned people away from the demand to ‘crucify the flesh with its passions and desires’. In other words, the visual depiction of religious figures and themes all too readily encouraged a sinful will, a turn toward the world and away from the Father.

The sixteenth-century zealots explicitly rehearsed the long discursive history against images and the threat of idolatry, borrowing significantly from the diatribes proclaimed by the early Church Fathers and the great iconoclastic controversies in eighth- and ninth-century Byzantium. As David Freedberg summarizes:

The arguments against images included the notion that since God and Christ were divine and uncircumscribable, it was impossible—or sacrilegious—to attempt to represent them in material and circumscribable form; that the very materiality of the image led to a variety of forms of concupiscence of the senses; that devotion to images in some way obstructed real and direct devotion to saints; that one was dangerously liable to confuse image and prototype, to venerate the image itself, rather

than what it represented; that it was better to have the living image of Christ and his saints in one's mind and heart than to make dead images of them.³

Freedberg's useful catalogue of the iconoclast's protests are consistently based on some horrifying *perversion*, whereby everything has been turned askew (*per-versus*): the uncircumscribable is circumscribed; the material medium, and not the message it conveys, communicates; false devotion replaces true devotion; the representation supplants the represented—perversions that signal an aberration by which individuals, communities, and institutions depart from the God-ordained course, led in a direction that fails to respect divine intention. According to the iconoclasts, the universal Church had been infected by a wanton malignancy and therefore required harsh, purgative therapies, which alone might bring Christians back to the Gospel truth. Hence, among the iconoclasts, the charge of perversion consisted of at least two other 'turns': not only the *inversion* of values itself, where the good had been relegated to an inferior position and evil reigned supreme; but also a possible inversion of this inversion, or rather, a hoped-for *conversion*, whereby the world might be turned back toward the right path. In the spirit of the reformations initiated by Luther, Zwingli, Calvin and others, emboldened followers lamented the fact that doctrine had displaced Scripture, that clerical claims had drowned out the voice of God, that confusing Catholic traditions had hindered access to the purity of the biblical sources. Faced, then, with the perverted outcomes in the battles of right versus wrong, good versus evil, and virtue versus vice, the iconoclasts strived to achieve a sweeping conversion among the populace, removing or destroying the religious images that threatened to remove or destroy God's salvific plan.

It bears noting that wholesale destruction is but one method for liberating oneself from the power of images. A much different approach—yet one that fundamentally rehearses a break with the mysterious phenomenality of the image—is discernible in Cesare Ripa's seminal work on *Iconology*. Ripa, the head cook for Cardinal Anton Maria Salviati, first published his treatise in 1593. Appearing at the height of the Eighty Years' War, which in some measure sparked by the Iconoclastic Fury, Ripa's work could indeed be regarded as another valiant attempt to defuse the otherwise dangerous force of icons. As his iconological method makes clear, every element on the pictorial plane

³ Freedberg D., "Art and Iconoclasm, 1525–1580: The Case of the Northern Netherlands", Filedt Kok J. P. – Halsema-Kubes W. – Kloek W. T., *Kunst voor de Beeldenstorm: Noordnederlandse Kunst, 1525–1580* (Amsterdam: Rijksmuseum, 1986) 69–84, here 69.

can be converted into a sign, establishing a one-to-one correspondence with a textually defined theme or idea. By means of erudite determination, iconology renders the visible material legible, thereby making it capable of producing knowledge. This semiological approach, which, following the refinements of Erwin Panofsky, continues to inform art historical research, persuasively inscribes the image into a discursive system, accommodating it to any number of theoretical categories that stabilize sense; and it is this act of theorization that is analogous to the iconoclastic impulse: whereas iconoclasts destroy the material presence of the image by means of physical violence, iconologists dissolve the image's materiality by compelling its viewers to read through it. Whereas iconoclasts reduce the icon to rubble and ash, iconologists reduce it to a transparent and ultimately dispensable medium of legibility. Iconology reads and thereby redeems the image by nailing it to determined meaning, not unlike the way the flesh is redeemed by means of crucifixion.

If any mysterious or enigmatic element survives this semiological operation, if any aspect persists as something *illegible*, it is that which fails to be incorporated into the production of knowledge. This recalcitrant element, then, would be a source of what Georges Bataille characterizes as 'non-knowledge' (*non-savoir*), a source of that which resists semiological translation, a source of power that grasps the viewer and sovereignly refuses to be grasped.⁴ In his critical reflections on art historical practices and on the peculiar case of the fifteenth-century Dominican painter Fra Angelico, Georges Didi-Huberman links the efficacy of non-knowledge to theological *summae* of the day, which in his view are less 'compilations of knowledge' and more 'labyrinths in which knowledge loses its way and becomes fantasy, in which the system becomes a great displacement, a great multiplication of images'.

Theology itself is not constituted here as a knowledge such as we understand the word today, which is to say as something that we can possess. It treats an absolute Other and submits to it wholly, a God who alone commands and possesses this knowledge. If there is any knowledge at all, it is not "caught" or grasped by anyone—not even by Thomas Aquinas himself. [...] That is why it is said in principle to transcend—to ground in one sense and to ruin in another—all human knowledges as well as all other ways and pretensions to knowledge.⁵

⁴ Bataille G., *The Unfinished System of Nonknowledge*, trans. M. Kendall – S. Kendall (Minneapolis: 2001) 196–205.

⁵ Didi-Huberman G., *Confronting Images: Questioning the Ends of a Certain History of Art*, trans. J. Goodman (University Park: 2005) 21.

Non-knowledge is what presents itself in the image, inhering in the material play of colours and figures that fail to be enlisted into representational schemes, resisting subsumption as 'an anecdotal motif—an *istoria*—or even the allegorical projection of an abstract notion that had been strictly defined with reference to an iconographical code'.⁶ More precisely, as Didi-Huberman insists, non-knowledge constitutes a moment of *dissemblance*, which disrupts artistic gestures of producing resemblance; and it is precisely this disturbing dissemblance that summons the violent reactions of all manners of iconoclasm, all strategies for breaking, and breaking with, the image at hand. Whether by means of the torch or by means of the iconological codebook, the iconoclast's relation to the image betrays a desire to translate dissemblance into meaningful, graspable, knowable resemblance. The dynamic nature of sixteenth-century art derives from a failure of this translation.

The still-life and genre paintings of Pieter Aertsen, a Dutch artist who began his commissions in Antwerp and Amsterdam in the 1550s, are understandably viewed in direct relation to the Iconoclastic Fury that wreaked havoc across the Low Countries and ravaged a number of the painter's early altarpieces and panels. In his grand biography of Netherlandish painters, *Het Schilder-boeck* of 1604, Karel van Mander explicitly refers to Aertsen's profound despair following the destruction of his religious images. Of course, the Calvinist purging of churches hardly left Dutch painters unemployed; rather, new commissions from public institutions, guild houses and the prosperous bourgeoisie enabled artists to shift roles successfully.⁷ Thus, in the wake of the *Beeldenstorm*, Aertsen re-emerged as a popular painter of everyday life. Yet, this is not to say that the Reformation failed to leave its mark on the artist's productions. On the contrary, Aertsen's new work appears to inscribe iconoclastic motives in the very manner of composition, insofar as it innovatively juxtaposes two distinct scenes: a prominent still life, which consistently features fresh cut meats and other foodstuffs, together with a reduced depiction of a biblical episode, which is banished to the back, occupying a site of relative inconsequence. Art historians have designated these works as 'inverted still lifes,' because they explicitly invert the traditional relationship between the figured narrative and the supportive ground. It is as if the genre material, which formerly performed a merely decorative function to enhance the biblical story, now grew to such

6 Didi-Huberman G., *Fra Angelico: Dissemblance and Figuration*, trans. J. M. Todd (Chicago: 1995) 2.

7 Cf. Nordhofen E., "Sacral Image-Scripture-Body-Art: On a Fundamental Media Theory of Monotheism," *Crosscurrents* (2013) 9–25.

importance that it disproportionately outweighed what we would expect to be the main plot.

How, then, should one assess Aertsen's compositional inversions? Do they corroborate the iconoclasts' fears of a perverted world, where the Word of God has been consigned to the background? Or do they offer an alternative type of conversion, one that perhaps protests the destructive savagery of the Protestants? Do Aertsen's panels celebrate or disparage the pleasures of the flesh? Should they be interpreted as a warning against or a capitulation to the *voluptas carnis* that presumably averts us from God? In short, does Aertsen's manner of inverted composition reinforce the knowledge that legitimizes the Reformation's values or does it instead constitute an event of *non-knowledge* that exposes the limitations of these values?

The ambivalence expressed by this series of questions may point to a deeper emotional or psychological cause. To be sure, the sheer ferocity of the iconoclastic riots betrays a deep-rooted fear of the formidable power of images. In Richard Clough's eyewitness account of the *Beeldenstorm* that wreaked havoc across the Low Countries in the summer of 1566, the Cathedral of Our Lady in Antwerp 'looked like a hell, with above 10,000 torches burning, and such a noise as if heaven and earth had got together, with falling of images and beating down of costly works'. While there were certainly many factors—cultural, social and political—that led to the sixteenth-century *Beeldenstorm*, the destructive pandemonium described by Clough clearly reflects a viscerally strong repulsion that moves well beyond matters of theological disagreement, even to the point where one might question the very basis for such disagreements. One could in fact argue, that the exaggerated aggression was driven by premises that many of the iconoclasts shared with Catholic practices, that the hatred for the images reiterated the devotional attitudes stimulated by the images' fascinating allure. At least in part, it was the sovereign, captivating strength of the icons—their capacity to grasp and disconcert the viewer—that kindled the vehemence of the iconoclastic rage, a vehemence that ultimately corresponds to the ardent worship that drove the production and reception of these images. The fascination that inspired reverent creation among the Catholics cannot be divorced from the fascination that incited fierce destruction among the Calvinists. Iconophobia and iconophilia were, rather, two sides of the same coin.⁸ Accordingly, the rampage of the iconophobes should be understood not as *contradicting* but rather as *corroborating* the long-held,

8 Cf. Isar N., "The Broken Image: Of Splits and Cuttings: Modern Representation and its Beginnings", in *Signs of Change: Transformations of Christian Traditions and their Representation in the Arts, 1000–2000*, ed. Petersen N. H. – Clüver C. – Bell N. (Amsterdam: 2004) 113–36, here 113.

deep-seated beliefs of the iconophiles.⁹ That is to say, both the Calvinist uneasiness toward religious depictions and the Catholic attraction toward the same could be grounded in the uncanny *presence* ascribed to images. On a profound level, it is precisely this magical quality that ostensibly inspired both the violent destruction and the violent preservation of the religious images. The iconoclastic insistence on the merely representational dimension of images might well demystify visual works of art, but their mysterious energy, however suppressed, could not be entirely eradicated or suppressed.

It is precisely the tension between repulsion and allure that energizes Aertsen's *Butcher's Stall with the Flight into Egypt*, painted in 1551 and extant in four versions (Fig. 7.1). The work rightfully holds a canonical place in the history of European Art as having initiated many of the genres that would define Netherlandish painting: portrayals of kitchens, markets, peasant life, and other quotidian settings.¹⁰ As mentioned, vivid depictions of meat prevail—hanging carcasses glistening with fat, animal heads, and winding links of sausages—altogether comprising an exuberant surplus of fleshly material that frames and nearly crowds out the minuscule representation of the Holy Family visible through the stall's opening at the back. Aertsen's juxtaposition of the sacred and the secular has been read as either *continuative* or *disjunctive*. Andreas Prater, for example, adopts the discontinuous interpretation by claiming that, 'the still-life and biblical scenes are united in one image as if by chance,' and that, 'the great spatial distance between [these two scenes] indicates no clear relationship'.¹¹ This conclusion reflects a sensualist, if not irreligious, hypothesis, which regards Aertsen's paintings as licentious celebrations of the flesh in the manner of a Rabelaisian carnival, a vulgar glorification that engages all the senses, flagrantly indulging in the erotic connotations of the victuals on display.¹² The painter is thereby branded as an unabashed epicure who delights

⁹ See Freedberg D., *Power of Images: Studies in the History and Theory of Response* (Chicago: 1989) 378–386.

¹⁰ See Janson H. W. – Janson A. F., *History of Art*, 5th rev. ed. (New York: 1997) 541–542. For a full analysis of this work, see Houghton C., "This Was Tomorrow: Pieter Aersten's 'Meat Stall' as Contemporary Art", *The Art Bulletin* 86 (2004) 277–300.

¹¹ Prater A., "Christus und die Vorratskammer: Ein 'emblematisches' Bild Pieter Aertsens in Wien", in Ertz K. (ed.), *Festschrift für Wilhelm Messerer* (Cologne: 1980) 219–30, here 219. For a comprehensive review of the critical literature, see Tholen, S., *Moraltheologische und moralpädagogische Allegorien: Pieter Aertsen und Joachim Beuckelaer* (PhD dissertation Cologne: 1987) 98–123.

¹² See Grosjean A., "Toward an Interpretation of Pieter Aertsen's Profane Iconography", *Konsthistorisk Tidskrift* 18 (1974) 121–143; and Kavaler, E. M., "Pieter Aersten's Meat Stall: Divers aspects of the market piece", *Nederlands Kunsthistorisch Jaarboek* 40 (1989) 67–92.



FIGURE 7.1 *Pieter Aertsen, Butcher's Stall with the Flight into Egypt, 1551. Oil on panel, 115.5 × 169 cm.*
 © UPPSALA UNIVERSITY.

in the profane world, where religious themes no longer guide our lives, where the Virgin Mary appears no larger than a cheap sausage.¹³

In contrast to this interpretation, other critics have discerned a continuum between the still life and the Gospel episode, which supports moralizing hypotheses, like the one proposed by Jan Emmens, who suggests that the viewer is encouraged to reject the sensual vices of the flesh and instead focus on the divine message displayed in background. For Emmens, the portrayal of the Holy Mother offering bread to a supplicant rehearses the Eucharistic sacrament and establishes a moral distinction between the carnivorous meal for the

¹³ In drawing from Roman Stoic traditions, Günter Irmscher points out the close connection between culinary and sexual appetites, which he finds particularly evident in Aertsen's depictions: "Ministrae voluptatum: Stoicizing Ethics in the Market and Kitchen Scenes of Pieter Aertsen and Joachim Beuckelaer", *Simiolus: Netherlands Quarterly for the History of Art* 16 (1984) 219–232. See also Margaret Sullivan, who similarly explores the tradition of Roman Satire in her approach: "Aertsen's Kitchen and Market Scenes: Audience and Innovation in Northern Art", *The Art Bulletin* 81 (1999), 236–266.

human body and the spiritual nourishment for the human soul.¹⁴ The two fish arranged on a pewter plate in the form of a cross, as well as the pointing ears of the pig's head hanging from a rod, seem to direct attention to what is more spiritually valuable. Emmens' approach betrays a moralizing impulse, which is well served by conventional iconographical study. It may be understood as an allegorizing method that seeks to define or contain the meaning of a work of art, striving to convert all the elements that appear on the picture plane into knowledge. In his recent reflections on Dutch still-life painting, Harry Berger refers to this approach as 'allegorical capture', which is opposed to 'interpretive release'. Whereas *allegorical capture* refers to 'the effects of iconography on the meaning of still life', *interpretive release* 'designates the freedom to resist or defer ethical closure until the detail and drama of technical play have been explored in the spirit of "negative capability"—"without any irritable reaching after fact & reason"'.¹⁵ Berger's allusion to Keats' well-known formulation specifies allegory as a stabilizing practice. It is in this sense that Quintilian translates the Greek term 'allegory' as 'inversion' (*Ἀλληγορία, quam inversionem interpretantur*), precisely because it 'either presents one thing in words and another in meaning, or at times something contrary' (*aut aliud verbis, aliud sensu ostendit, aut etiam interim contrarium, Inst. orat. 8.6.44*).¹⁶ Allegory in this regard is an inversion that calls for a conversion, taking each thing presented and linking it to the purportedly intended meaning. Yet, allegorical inversion can also yield an opposite result, namely, one that forestalls the ultimate arrival of definitive sense.¹⁷ Thus in Aertsen's work, the inversion indeed provokes 'capture' in knowledge, yet not without defusing the potential for 'release' into non-knowledge.

¹⁴ Emmens J. A., "Eins aber ist nötig"—Zu Inhalt und Bedeutung von Markt- und Küchenstücken des 16. Jahrhunderts", in Bruyn J. et al. (eds.), *Album Amicorum J. G. van Gelder* (The Hague: 1973) 93–101. See also Michalski S., "Fleisch und Geist: Zur Bildsymbolik bei Pieter Aertsen", *Artibus et Historiae* 22 (2001) 167–186, here 172. For a useful overview of Aertsen's critical reception, see Moxey K., "Interpreting Pieter Aertsen: The Problem of 'Hidden Symbolism'" *Netherlands Yearbook for History of Art* 40 (1989) 29–40.

¹⁵ Berger H. Jr., *Caterpillage: Reflections on Seventeenth-Century Dutch Still-Life Painting* (New York: 2011) 10. The term 'negative capability', of course, is taken from John Keats' letter to his brothers, George and Thomas Keats (December 21, 1817). 'Allegorical capture', in turn, is adopted from Gordon Teskey's study on John Milton: *Allegory and Violence* (Ithaca: 1996).

¹⁶ Quintilian, *Institutio oratoria*, 2 vols., ed. L. Radermacher (Leipzig: 1971) vol. 2, 124.

¹⁷ See, e.g., Walter Benjamin's remarks in *Ursprung des deutschen Trauerspiels*, where 'allegory' implies that 'any person, any object, any relationship can mean absolutely anything else'. Benjamin, *The Origin of German Tragic Drama*, trans. J. Osborne (London: 1977) 175.

Even though it attempts to re-enlist the painting into the service of religion, moralist interpretations like Emmens' do little to clarify Aertsen's position vis-à-vis the iconoclasts, primarily because he still engages in the forbidden production of religious images. Is Aertsen's work, then, expressing an iconoclastic aspersion to the religious image by reducing it to a minor role? Or is it rather reactionary, protesting the iconoclasts' diminution of the religious image by lamenting how sacred painting is being pushed into the background?¹⁸ The difference between the sensualist and the moralist hypotheses thus hinges on a single question: Does the biblical scene, however diminished, count as the proper focal point of the painting or does it simply serve as a legitimizing pretext for creating a lush, visually enticing still life? Is the animal flesh displayed to delight our senses and arouse our appetites? Or does it serve as a warning against the dangers of gluttony? Of course, posing these kinds of alternatives presumes an opposition between worldly flesh and spiritual nourishment; yet should this opposition be maintained? To pursue another track, then, one might re-examine the sensualist interpretation and ask whether the delight in carnality can readily be dismissed as irreligious. To this end, the central Christian doctrine of the Incarnation should at least warrant reconsideration.

Aertsen's 1552 *Still Life with Christ in the House of Martha and Mary* (Fig. 7.2) also presents a split field. The portrayal of the Gospel story, occupying but a sixth of the entire picture plane, is again relegated to the background, overwhelmed by a sumptuous spread of meats, vegetables and breads. An opened cabinet reveals precious metals and sealed documents within. Leather money pouches rest on top. Dominating the scene is an impressively large haunch of lamb, which sits as though suspended at the painting's centre. Compositional devices like the chequered handle and the leg of lamb direct the viewer's gaze to the remote biblical scene, which encourages a moralizing reading. As the Gospel of Luke relates, Martha, who busies herself to prepare the meal reprimands her sister Mary, who instead of helping, sits at Christ's feet to listen to what he has to say. Jesus responds: 'Martha, Martha, you are worried and troubled about many things. But one thing is needed: and Mary has chosen that good part' (Luke 10:41–42). In the painting, the words inscribed upon the mantle of the fireplace reinforce the message: 'Maria heeft uitvercoren dat beste deel'. The *division* or *deling* of Aertsen's complete picture thereby reiterates the conventional, evaluative division between the *vita contemplativa*, which is illustrated by the Gospel scene at the back with its pacifying mood, and the *vita activa*, which characterizes the foreground with its luxurious display of food, its precious metals, and money pouches. Thus, in addition to contributing to

¹⁸ Cf. Friedländer M. J., *Die altniederländische Malerei*, vol. 13 (Berlin: 1934) 113.



FIGURE 7.2 *Pieter Aertsen, Still Life with Christ in the House of Mary and Martha, 1552.*

Oil on wood, 60 × 101.5 cm.

© VIENNA: KUNSTHISTORISCHES MUSEUM.

the heated theological debate between 'good works' and 'faith', the painting juxtaposes the tranquil simplicity of the early Christians with the ambitious bustling of modern Antwerp, in the day, one of Europe's most thriving commercial cities.¹⁹

The continuities between the still life and the biblical scene, which establish the legible contrast between worldly activity and spiritual contemplation, are produced by a number of compositional and thematic aspects. In addition to the tiled floor, which ties both areas together, we note the cabinet door, which remains unlocked and open, suggesting harried movement, as though Martha herself was frantically rummaging through the shelves. The painting features a series of darkened rectilinear frames, which relate the doorway of the front room to the interior space of the fireplace at the back. In a more nuanced fashion, the gentle curve of Christ's right arm, extended in a gesture of benediction, mirrors the line of the protruding leg of lamb—a visual parallel that further affirms the Messiah's role as the sacrificial Lamb of God. Finally, the single carnation (*Dianthus caryophyllus*) jutting out from a large cake of

¹⁹ See Craig K., "Pars Ergo Marthae Transit: Pieter Aertsen's 'Inverted' Paintings of 'Christ in the House of Martha and Mary', *Oud Holland* 97 (1983) 25–39.

butter reiterates the theme of Christ's sacrifice.²⁰ According to a persistent folk etymology, the carnation is indeed a 'divine flower' (*dianthus*); for the term describes both the flower's 'fleshiness' (*carnatio*) and its traditional placement in 'garlands' or 'crowns' (*coronae*)—a fitting symbol for the incarnate King of Kings. Furthermore, the German term *Nelke* ('carnation'), like the English *clove*, makes a direct reference to the crucifixion: *Nelke* initially denotes 'cloves' (*Gewürznelken*, NL. *kruidnagel*), the scent of which closely resembles the fragrance of carnations; both words, *Nelke* and *clove*, refer to the bud's visual resemblance to a tiny 'nail' (Germ. *Nägelein*; Lat. *clavus*) and thereby serve as commemorative signs of the nails that pierced Christ's flesh. The common Dutch word for 'carnation', *anjer*, which suggests the fisher's 'hook' (cf. O. Eng. *angel*), retains the nail-like image and introduces even further Christic connotations. Medieval legend reports that carnations were first formed from the tears that the Virgin Mary shed as she watched her son bear the cross to Golgotha.²¹

This associative system of resemblances is grounded, of course, in the kind of magical thinking that repelled the Protestant iconoclasts and troubled the Catholic theologians. Magical thinking eliminates the gap between the sign and what the sign represents, between the image and the prototype.²² The iconoclasts insisted instead on a model of representation, where the sign and the signified are held rigorously apart. This is precisely why the nature of the Eucharist persistently came to be interrogated throughout the Reformation. Specifically, opponents of religious images rejected the idea of Real Presence in the sacrament, affirming instead the purely symbolic nature of the consecrated Host.²³ The core undisputed doctrine of Christianity, namely that the divine Word became flesh (*Verbum caro factum est* [John 1:14]), invariably raised questions on the ontological status of the bread that Jesus declared as his body (*Hoc est corpus meum* [Matt 26:26f, Mark 14:22–25, Luke 22:18–20]). Among reformers like Zwingli and Calvin, the Host should be regarded exclu-

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- ²⁰ Stoichita V., *L'instauration du tableau: Métapeinture à l'aube des temps modernes*, 2nd ed. (Geneva: 1999) 25–26. Stoichita identifies the cake as yeast in order to make an important evangelical allusion: the Word of God gives soul to the body just as leavening animates dough.
- ²¹ Marzell H., *Wörterbuch der deutschen Pflanzennamen*, 5 vols. (Leipzig: 1951) vol. 5, 88.
- ²² Kitzinger E., "The Cult of Images in the Age before Iconoclasm", *Dumbarton Oaks Papers* 8 (1954) 83–150, here 100. Nicoletta Isar also cites the work of Stoichita and Kitzinger in her reading of Aertsen, "The Broken Image".
- ²³ Michalski S., *The Reformation and the Visual Arts: The Protestant image question in Western and Eastern Europe* (New York: 1993) 169. Michalski's chapter provides a comprehensive account of this topic, 169–96.

sively as a *representation*, either as a mirror image or as a memorial sign, and decidedly not as the transubstantiated body of Christ. For this reason, Zwingli and others consistently censured the adoration of the Eucharist as 'idolatry' (*Götzendienst*).²⁴ The Catholic doctrine of transubstantiation, which insisted on the corporal transformation of the bread and wine into the body and blood of Christ, was seen to be complicit with the abuse of religious images, which were worshipped as magically efficacious icons. For the iconoclasts, both beliefs were symptomatic of a perverted age.

Aertsen's inverted *Still Life with Christ in the House of Martha and Mary* could thus be regarded as upholding the idea of Real Presence against the iconoclastic viewpoint. Along these lines, Victor Stoichita interprets the painting as an innovative contribution to contemporary debates revolving around the Eucharist. This exegesis is based on the pictorial resemblances that establish a decisive continuum between what Stoichita provocatively characterizes as the 'tableau vivant' of the background and the 'nature morte' of the foreground.²⁵ The framed insertion of the biblical scene corresponds to the actual frame of the entire picture, which allows Aertsen's work to be understood as a paradigmatic 'metapainting'—a painting that thematizes painting itself. In reference to the likelihood that Aertsen's panel decorated a bourgeois kitchen, Stoichita identifies three distinct zones, which together constitute a progressive allegory of the transubstantiation of the flesh. Here, the still life operates as the intermediary point, marking a passage from the earthly reality of the bourgeois home to the spiritual message framed in the background; onlookers are thus invited to move allegorically from the lamb's flesh to the Word made flesh. As Stoichita concludes, 'By its illusionist character, the representation ought to render the image and the word of God virtually present in the space for which the image had been created'.²⁶

This allegorical reading, by which meaning is deferred, requires that one move past what the image shows. The haunch of lamb points away from itself toward the biblical representation, which constitutes the true locus of moral meaning.²⁷ Yet, is it possible to overlook the butchered thigh-piece that dominates the picture's central zone? Is it possible to discount this hunk of raw flesh that persists as an element dissimilar to the moralizing message? What, indeed, can we know about this carnal dissemblance? How might we account for this obstruction to knowledge? Is it not in fact an instance of non-knowledge—not

²⁴ Michalski, *The Reformation and the Visual Arts* 174.

²⁵ Stoichita, *L'instauration du tableau* 17–26.

²⁶ Stoichita, *L'instauration du tableau* 24.

²⁷ On this point, see Isar, "The Broken Image" 116.



FIGURE 7.3 *Det fedde køkken* ("The Fat Kitchen"). Voluptas Carnis, ca. 1565. Oil on panel,

110.5 × 213 cm.

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as the privation of knowledge, but rather as the kind of non-knowledge that puts the moral lesson, so defined, into play?

A consideration of Aertsen's *Det fedde køkken* ('The Fat Kitchen') would further exacerbate the difficulty in determining the intent of the painter's compositional practice (Fig. 7.3). Although the picture, painted somewhat later in the artist's career, resumes the sumptuous display of meats and foodstuffs found in the earlier work, there is no trace of any biblical scene. Where one might expect a representation of a Gospel episode, in a diminutive square in the background at the left, we find instead a patch of black within the shady interior of the fireplace. Over the course of Aertsen's creative development, the representation of the religious story became so reduced that it ultimately reached the point of nearly complete disappearance. Yet, even though the painting does not perform an explicit inversion of genre material and biblical *istoria*, it nonetheless displays a clear split. The picture plane is starkly divided by a central post, upon which hang the entrails of a slaughtered pig. Unlike the previous two examples, *The Fat Kitchen* portrays seven figures in full view, all occupying a continuous space. To the right, a young man with sprouting beard stares beyond the picture plane directly at the viewer, his right hand is lightly raised in the gesture of an oath or benediction. Beside him stands his wife in a tight-fitting cap. She also looks straight ahead as she supports the bowl raised to the lips of the boy in front. Before them is a table laden with meats, cheeses, breads

and vegetables—a display that evokes a rustic market, which recontextualizes any visual allusion to the Holy Family. To the left of the central post, we find two other couples. A beardless man smiles and merrily raises a jug, resting his right arm on the hips of the young woman, who is tending a large cauldron on an open flame. On the other side of the fireplace is an older couple: a bearded man leaning back despondently, clasping a jug at his lap; and a woman sitting in a chair, hunched forward and holding a jug at her knees. Thus presented, the three groups may comprise a profane allegory of human life, the stages of which are designated by the men's facial hair. The light-hearted, beardless man is presumably not yet a father, unlike the thoughtful man with the sprouting beard who watches over his son and the older, crestfallen man with full beard whose children have perhaps now left the home. By marking out the passage of human time, the composition appears to stress the mortality and *vanitas* of life, which is in thrall to the pleasure of the flesh. The allegorizing subtitle—*voluptas carnis*—could indeed be read as an Augustinian warning against the *voluptas oculorum carnis* ('the pleasure of the eyes of the flesh'), which blinds the human subject to the salvific pleasures of the spirit.

Before the Reformation, genre material like contemporary, quotidian settings indeed served a 'metapictorial' allegorical function—allegorical, in the specific sense that it delayed or deferred the stabilization of meaning or knowledge, which was ultimately achieved by the biblical figure. We have seen how Aertsen's inverted still-life paintings can be viewed as maintaining this tension between figure and ground. Yet, we have also seen how the 'metapictorial' elements come to take over the entire composition, how the ground itself becomes a figure, to the point achieved in the *Fat Kitchen*, where the sacred image has been altogether eradicated. The search to locate sacred meaning flounders beneath the weight of the profane; the *nature morte* leads to a dead end in the silent black patch of the fireplace. The fleshly entrails that occupy the plane's central position thus resist incorporation into a moral narrative. That said, could this material instance of non-knowledge simply be read as a capitulation to a profane, irreligious world? Or is it not, rather, an iconophile's attempt to preserve images from the representative, knowledge-producing service, which iconoclasts demand?

The slaughtered meat is flesh detached from the integral body; and I would interpret this corporeal disintegration as a visual means for disclosing how the raw flesh is *dissimilar* to the smooth, organic body. The recalcitrant dissemblance of the flesh, which is also the powerful source of the image's magical attraction, is in fact theologically grounded in the Christian doctrine of the Incarnation. The event of the divine Word becoming flesh is the mystery that

invites mankind to return to God, that is, to turn away from the sins of the flesh.²⁸ That is to say, the Incarnation presents us with a divine flesh that removes us from our all-too-human flesh. The drama of resemblance and dissemblance, of knowledge and non-knowledge, is thus implicit in the fundamental motifs of Christian anthropology. Adam, who was created in God's image and likeness, loses his resemblance to God explicitly by eating the fruit of the tree of knowledge. Through the acquisition of knowledge, he falls into the mortal world, which Augustine famously describes as the 'region of dissimilarity'.²⁹ Here, dissemblance counts as a punishment: *mortality means specifically the inability to resemble God in his immortality*. Salvation, therefore, would be the restoration of resemblance with God—a restoration that the Christian Incarnation is designed to re-enable, if only at the Last Judgment. As long as man is in thrall to the pleasures of the flesh, he remains in a state that is dissimilar to God. Yet, this dissimilarity, which is grounded in the experience of the human body, is in fact man's similarity to himself. Human resemblance to things human spells human dissemblance to things divine. The Incarnation, this mysterious spiritualization of the flesh, therefore constitutes the divine dissemblance that disrupts human resemblance. It is the substantive non-knowledge that transcends the limits of human knowledge.

In Aersten's *Fat Kitchen* the event of non-knowledge is powerful, insofar as it unsettles human attempts at knowledge; it dismantles systems of human resemblance that stabilize the knowable—a stabilization that is based on the integrity of the human body. The flesh of the divine *Fleischwerdung* wounds the stable integrity of the human body, which subsists on incorporating flesh. Natural, human resemblance is sacrificed in order to attain a supernatural resemblance, which is dissimilar to human measure. For this reason, by breaking (and breaking with) images, iconoclasts risk destroying the very means to a salvation. The iconoclastic insistence that all images, including the Eucharist, be restricted to a representative, didactic function robs the visual material of its power—a power that resides in the image's dissemblance and hence in its transcendence, that is, in the non-knowledge that marks out the limits of human comprehension and the incapacity for total incorporation. The flesh has no value—*caro non prodest*—yet, it is precisely this recalcitrance to human use that marks it out as a means for salvation.

²⁸ Cf. Didi-Huberman, *Fra Angelico* 4.

²⁹ Augustine, *Confessions* VII, 10, 16, trans. H. Chadwick (Oxford: 1992) 123.

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Humanist Styles of Reading in the Prologues and Epilogues of William Caxton

Taylor Cowdery

The epilogue to William Caxton's *Dictes or Sayengs of the Philosophres* (1477) is a bravura performance in the art of selling books. Appended to the first edition of an English translation made by Anthony Woodville, the Earl of Rivers, the epilogue claims a universal appeal for the 'many grete . notable . and wyse sayengis' of the *Dictes*, assuring us that whether we are a woman or a man, of high or of low birth, this book will recommend itself.¹ Only a single defect is to be found in the whole of Woodville's translation, it explains, and this defect—its omission of certain antifeminist 'conclusions towchynge women' (*PE* 20)—stems merely from the Earl of Rivers' *politesse*. Perhaps, Caxton muses, the Earl omitted this misogynistic material because 'som fayr lady' asked him to do so, or because of the 'very affecyon, loue and good wylle that he hath vnto alle ladyes' (*PE* 20–22). Perhaps he left it out because his copy of his source was incomplete, or because 'the wynde had blowe ouer the leef/at the tyme of translacion of his booke' (*PE* 24). Whatever may have happened, Caxton insists that he cannot let the translation stand as it is: it is his 'deuoyr' to make sure that it 'accordeth wyth thorigynal' (*PE* 20), and in any case, those readers who already know the book in its original French would 'arrete a grete defaulte' (*PE* 28) to him were they to find that he had left part of it out. So the printer resolves upon a compromise. To the 'satisfyeng of all parties' (*PE* 30), he will

¹ Caxton William, *The Prologues and Epilogues of William Caxton*, ed. W. J. B. Crotch, EETS o.s., no. 176 (London: 1928) 18. Subsequent references to Caxton's texts will be given parenthetically, with citation to the page or pages on which the quotation appears in the following volumes: Caxton, *Prologues and Epilogues* (hereafter abbreviated *PE*); Caxton William, *The History of Reynard the Fox* (hereafter abbreviated *R*), ed. N. F. Blake, EETS o.s. 263 (Oxford: 1970); and Caxton William, *Caxton's Mirrour of the World* (hereafter abbreviated *MW*), ed. O. H. Prior, EETS e.s. 110 (London: 1913). I have chosen to refer to these print editions for the reader's ease of reference. All translations from Latin, French, and Italian are my own unless otherwise noted; and in all cases, I have expanded the abbreviation for 'tironian et' ('7') to 'and'. For texts not included in the volumes listed above, citation will be to the Short Title Catalogue number (hereafter abbreviated *STC*) of the printed volume and to the signature numbers of the page or pages on which the quotation appears.

include the matter omitted by Woodville, but only at the very end of the *Dictes*, as a kind of appendix—and he will trust his readers to read it, skip it, or edit it out as they please.² Like the Wife of Bath, Caxton's customers are given permission both to judge and correct the book they buy. England's first printer manages to have his text both ways and get off scot-free.³

With its witty negotiation of reader and text, publisher and translator, the epilogue to the *Dictes* suggests a mode of reading that is, on the one hand, discriminating and active, and on the other, committed to written authority. It suggests, in other words, a textual attitude that looks forward to Humanism even as it glances backwards towards earlier, medieval styles of reading. This side of Caxton's work is intriguing, in no small part because much criticism on the printer, and on the topic of late medieval reading in general, has argued that the Humanists instead repudiated earlier approaches to the text.⁴ In the criticism of Thomas Greene, for instance, Caxton comes off badly. His texts show both 'anachronism' and 'freedom' of 'revision,' with the result that Caxton's source matter becomes whatever he wants it to be, with 'absolute flexibility'—and the case of Caxton figures, for Greene, a broader tendency in medieval culture to locate literary meaning not in historical context or 'style,' but in an allegorical 'relation between "veil" and "truth"' in a text.⁵ Greene's position resonates with the work of many other critics of early modern letters, who likewise suggest that medieval reading practices are 'essentially recuperative and reductive'; or that they employ a mode of 'allegory' that forces the discretion of the reader into 'a subordinate status'; or that they instruct their readers in the art of 'naïve or slavish imitation' instead of critical 'judgment'.⁶

² If anyone who 'shal rede or here' this matter is 'not wel plesyd wyth all,' Caxton writes, then this person should 'wyth a penne race it out or ellys rente the leef out of the booke' (*PE* 30).

³ As Jennifer Goodman quips, 'Having provided his own "book of wicked wives", he can expect no less'. See Goodman J. R., "William Caxton and Anthony Woodville, Translators: The Case of the *Dictes or Sayengis of the Philosophres*", *New Comparison* 12 (Autumn 1991) 7–22, here 17.

⁴ For an early diagnosis of this critical tendency, see Grafton A., "Renaissance Readers and Ancient Texts: Comments on Some Commentaries", *Renaissance Quarterly* 38, 4 (1985) 615–649, here 628–629.

⁵ Greene T., *The Light in Troy: Imitation and Discovery in Renaissance Poetry* (New Haven, CT: 1982) 242, 94–95.

⁶ See David Robey, who asserts that 'whatever their novelty, they [i.e., allegorical reading practices] still offered a reading of ancient poetry that was essentially recuperative and reductive'; Terence Cave, who contrasts this 'subordinate' status of allegorical reading with Humanist practices that are 'deeply concerned with the activity of reading'; and Victoria Kahn, who suggests that 'humanist and humanist-influenced texts are resistant to theory because they

Other scholars, in extending the findings of a seminal article by Lisa Jardine and Anthony Grafton, argue that Humanist reading is active where medieval reading is, implicitly, passive⁷—that, where medieval readers take their texts at face value, Humanist readers impose their ‘own judgment of interpretation’ upon what they read.⁸

If these critical accounts contain a measure of truth, since Humanist theorists do tend to prioritize certain modes or ‘styles’ of reading before others, they also tend to occlude the medieval roots and precedents of these theories of reading. Take the work of Erasmus, for instance, whose tremendous erudition and influence helped to set the tone for Humanist attitudes towards the text at the very end of Caxton’s career, during the late fifteenth and early sixteenth centuries. Erasmus, like Petrarch, Salutati, Landino, Poliziano, and many others, stresses two things about proper reading practice: first, the

call for judgment and use rather than naive or slavish imitation’. See Robey D., “Humanist Views on Poetry”, in Minnis A. – Johnson I. (eds.), *The Cambridge History of Literary Criticism*, vol. 2: *The Middle Ages* (Cambridge: 2005) 627–647, here 633; Cave T., “The Mimesis of Reading in the Renaissance”, in Lyons J. D. – Nichols S. G. (eds.), *Mimesis: From Mirror to Method, Augustine to Descartes* (Hanover, NH: 1982) 149–165, here 149–150; and Kahn V., “Humanism and the Resistance to Theory”, in Parker P. – Quint D. (eds.), *Literary Theory/Renaissance Texts* (Baltimore: 1986) 373–396, here 379.

⁷ Jardine L. – Grafton A., “‘Studied for Action’: How Gabriel Harvey Read his Livy”, *Past & Present* 129 (1990) 30–78, here 30–31. Compare Grafton A., “The Humanist as Reader”, in Cavallo G. – Chartier R. (eds.), *A History of Reading in the West* (Amherst, MA: 1999) 179–212, here 210, and Grafton A., “Is the History of Reading a Marginal Enterprise? Guillaume Budé and His Books”, *The Papers of the Bibliographical Society of America* 91, 2 (1997) 139–157, here 152–153.

⁸ See Arthur Kinney, who writes that Humanist reading was an ‘activity in which the reader, responding dialectically to the text, found closure to that text only in his own judgment of interpretation’; Eugene Kintgen, who takes Jardine and Grafton’s Gabriel Harvey as ‘the quintessence of Tudor reading’; and Kevin Sharpe and Steven Zwicker, who suggest that Protestant readers felt the call to ‘to apply the sacred texts to the self’. See Kinney A., *Continental Humanist Poetics: Studies in Erasmus, Castiglione, Marguerite de Navarre, Rabelais, and Cervantes* (Amherst, Mass.: 1989) 45; Kintgen E. R., *Reading in Tudor England* (Pittsburgh, PA: 1996) 76; and Sharpe K. – Zwicker S. N., “Introduction: Discovering the Renaissance Reader”, in *Iidem* (eds.), *Reading, Society, and Politics in Early Modern England* (Cambridge: 2003) 1–37, here 11. Compare Simpson J., *Burning to Read* (Cambridge, Mass.: 2007) 2–3, 106–41, 260–282, and Moss A., “Humanist Education”, in Norton G. P. (ed.), *The Cambridge History of Literary Criticism*, vol. 3: *the Renaissance* (Cambridge: 1999) 145–154, here 153–154, for different takes on the significance of Protestant reading practices.

importance of reading literary texts with due attention to rhetorical style,⁹ and second, the division of the style of a text from its content matter.¹⁰ In contrast

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- 9 For the Humanist yoking of poetry with rhetoric, see Salutati: 'The poet is a good man skilled in the art of praise and blame [*laudandi vituperandique peritus*] ... whose job [*profession*] is to praise certain things and admonish others [*aliena reprehendere vel laudare*]'; Landino: '[T]he precepts of style [*elocutionis*] are almost identical [*communia pene*] with the orator's and the poet can easily borrow these from rhetors [*a rhetoribus*]'; Poliziano: 'Indeed, the poet is the orator's neighbor [*finitimus oratori*], as Cicero says, for while he is more restricted by rhythm [*numeris adstrictior*], he is freer in his use of words [*uerbis licetior*]'. See Salutati Coluccio, *De laboribus Herculis*, ed. B. L. Ullman, 2 vols. (Zürich: 1951), 1.12.7 (p. 63); Landino Cristoforo, *In Quinti Horatii Flacci Artem poetica ad Pisones interpretationes*, ed. G. Bugada (Florence: 2012) § 1.1 (p. 99); Poliziano Angelo, *Panepistemon*, in Idem, *Opera omnia*, ed. I. Maier, vol. 1 (Torino: 1970–1971) 473. For critical discussion, see Weinberg B., *A History of Literary Criticism in the Italian Renaissance*, 2 vols. (Chicago: 1961) vol. 1, 72; Greenfield C. C., *Humanist and Scholastic Poetics, 1250–1500* (Lewisburg, PA: 1981) 140–141, 222, 266; Moss A., "Horace in the Sixteenth Century: Commentators into Critics", in Norton, *The Renaissance* 66–76, here 67; and Robey, "Humanist Views on Poetry" 630–643.
- 10 Francesco Petrarca: 'Just because I prefer certain writers [*hos pretulerim*], I do not reject others [*illos abicio*] – as it seems to me that Jerome did, despite the fact that he approved of them in his subsequent writings. Therefore I seem to love both groups at once [*utrosque simul amare*], so long as I do not ignore the fact that I prefer some of them for their style [*in verborum*], and others for their content [*in rerum*]'; Guarino da Verona: 'Impious, cruel, unjust or shameful statements in the poets are not to be set down to vice [*vitio danda*], but considered from the artistic point of view [*artis excellentia consideranda*] as observing the decorum proper to each character... we take great pleasure in seeing scorpions and snakes accurately painted [*pictos vera quadam imitatione*], though we run from the real thing'; Leonardo Bruni: 'For my part, whenever I read Vergil's account of the affair of Dido and Aeneas, I am so lost in admiration of his poetical genius [*ingenium poetae*] that I scarcely attend to the thing itself [*rem... ipsam*], knowing it to be a fiction [*fictam*]'; Pietro Bembo: 'For one may take up the highest possible subject matter [*d'altissimo suggetto*] for composition, and nevertheless, write in such a way that his composition is said to be offensive and maudlin; and another, while presenting a low subject matter [*materia umilissima*], may compose his poem in such a way [*maniera*] that it is reputed very pleasing and good'. Bembo also remarks, of Boccaccio's *Decameron*, that 'even those parts of the book that he wrote with too little judgment [*poco giudiciosamente*], he composed nonetheless in an entirely good and graceful style [*stile*]'. See Petrarca Francesco, *Familiares* 22.10, in Bosco U. (ed.), *Le Familiari*, vol. 4 (Florence: 1941) 127–128; Guarino Battista, *De ordine docendi*, trans. C. W. Kallendorf as 'A Program of Teaching and Learning' in Kallendorf C. W. (ed.), *Humanist Educational Treatises*, I Tatti Renaissance Library 5 (Cambridge, Mass.: 2002) 260–309, here 300–301; Bruni Leonardo, "De studiis et litteris", trans. C. W. Kallendorf as "The Study of Literature", in Kallendorf (ed.), *Humanist Educational Treatises*, 92–125, here 120–121; and Bembo Pietro, *Prose della volgar lingua*, in Dionisotti D. (ed.), *Prose e*

to those ‘idiots’ who read only for the content of what they call ‘poetria’—to these men, Erasmus sneers, ‘Quintilian is a poet, and Pliny, and Aulus Gellius, and Livy’¹¹—the Humanist from Rotterdam advances a different, more rhetorically attuned style of reading. As he writes in describing the proper education of young students,

[H]e [the teacher] will be careful to remind pupils of the essential nature of epic poetry, history, the dialogue, the fable, satire, the ode, and the other literary genres. Then he will not shirk from pointing out the merits or even the faults of particular authors in particular passages, in order that the young may become accustomed, even at so early an age, to employing what is, in everything, of paramount importance—judgment.¹²

Instead of reading like the foolish student from the University of Paris who, in Erasmus’s *Antibarbarorum liber*, selects the ‘bits’ of texts that ‘seem to support’ his interpretation of Gratian without ‘read[ing] them thoroughly’ or considering their context,¹³ good readers, he argues, must approach the text with

rime (Turin: 1966): 2.19–20, 175–176. It should be noted that Battista’s tract is said to be a record of Guarino da Verona’s pedagogical ideas. For critical discussion, see Greenfield, *Humanist and Scholastic Poetics* 101, 180–181, 188; Robey, “Humanist Views on Poetry” 638; McLaughlin M. L., *Literary Imitation in the Italian Renaissance: The Theory and Practice of Literary Imitation in Italy from Dante to Bembo* (Oxford: 1995) 264–269; Moss, “Humanist Education”, in Norton, *The Renaissance 145–154*, here 153; Smith A. J., “Theory and Practice in Renaissance Poetry: Two Kinds of Imitation”, *Bulletin of the John Rylands Library* 47, 1 (1964) 212–243, here 216; and Kintgen, *Reading in Tudor England* 63.

¹¹ Erasmus Desiderius, *Antibarbarorum liber*, trans. M. M. Phillips, in Thompson C. R. (ed.), *Collected Works of Erasmus*, vol. 23 (Toronto: 1978) 1–122, here 33. Erasmus is probably attacking French theories of literature. For Jacques Legrand, for instance, it is not style or the use of verse but the making of fictions and the use of ‘allegacion,’ or imposed allegory, that properly distinguishes ‘poetria’ from other types of writing. See Legrand Jacques, *Archilogie Sophie*, ed. E. Beltran (Paris: 1986) § 25: “‘Poetrie’ [poetrie] is the art of knowing how to make and to feign fictions grounded in reason [*a faindre et a faire fictions fondees en raison*] and in their resemblance [*semblance*] to those things [*choses*] of which one wishes to speak [*parler*]” (p. 149); and § 28: “‘Allegacion’ is nothing other than to allegorize [*alleguer*] or place atop something else [*appliquer*] certain narratives or fictions [*aucunes hystoires ou aucunes fictions*] for one’s own purposes” (p. 156).

¹² Erasmus Desiderius, *De ratione studii ac legendi interpretandique auctores*, trans. B. McGregor, in Thompson C. R. (ed.), *Collected Works of Erasmus*, vol. 24 (Toronto: 1978) 662–691, here 689.

¹³ Erasmus, *Antibarbarorum liber* 90. The student from the University of Paris has cherry-picked passages from Gratian to support his claims that true intellectuals should not

critical judgment, or the ability to discriminate between textual styles and matters both good and bad.¹⁴ As Erasmus elsewhere suggests, it is the highest goal of reading to train this readerly judgment, and so, even if the content matter of a given text is false or untrue, this by no means reduces the pedagogical value of that text—for one can read profitably for rhetoric and style alone, so much so that fictions and fables may prove, in certain cases, to ‘make the point more effectively’ than true stories do.¹⁵

The Humanist programme of reading, here represented by Erasmus, thus stresses attention to the style, form, and rhetoric of the text alongside attention to that text’s content matter, and it claims to repudiate a medieval model of reading that, like that student from Paris, considers content matter alone. When we look closer at fifteenth- and sixteenth-century theory, however, this neat binary starts to break down, for Erasmus and his contemporaries were hardly the first either to attend to the style of a text or to declare that style and content matter could be divided. Indeed, if we bluntly lay out the Erasmian binary—if we say that Humanist reading is active, rhetorical, and style-oriented where medieval reading is passive, allegorical, and matter-oriented—we can easily find examples to contravene it. Guillaume de Machaut, for instance, divides matter and style when he says that his reader can take pleasure in the style or ‘maniere’ of his poetry even when its ‘matiere’ is sad or unpleasant.¹⁶ Students were often taught, in the grammar schools of the Middle Ages, to approach their texts with *discretio*, or critical judgment.¹⁷ Evidence for an emphasis upon rhetoric in medieval reading can be found in the *dicta* from Aristotle—

read pagan literature, but he has not, as Erasmus’s character Batt points out, realized that Gratian argues ‘both sides’ of the issue ‘with equal abundance and facility’ (89).

¹⁴ See Kintgen, *Reading in Tudor England* 37–39. Compare Cave, “Mimesis of Reading” 154–155, and Kahn, “Humanism and the Resistance to Theory” 377–381.

¹⁵ Erasmus, *De copia* 631.

¹⁶ As he writes, ‘And if sad things [*triste matiere*] are the theme, / Then the style [*maniere*] of their treatment/Is joyful [*joieuseThe Fountain of Love and Two Other Love Vision Poems*, ed. and trans. R. B. Palmer (New York – London: 1993) § 5, ll. 157–158.

¹⁷ For a discussion of medieval grammatical pedagogy – which is very similar to Erasmian and Humanist procedures of the same – and an analysis of medieval rhetorical pedagogy, which stressed the practice of *discretio*, or the exercise of judgment on the rhetorical figures of the text, see Parkes M. B., “Reading, Copying, and Interpreting a Text in the Early Middle Ages”, in Cavallo – Chartier (eds.), *A History of Reading in the West* 90–102, 90, 95–99. Compare Reynolds S., *Medieval Reading: Grammar, Rhetoric, and the Classical Text* (Cambridge: 1996) 130–134.

Averroës and Horace that fourteenth- and fifteenth-century critics recycled over and over again.¹⁸ And medieval readers can be shown to have used an array of rhetorical, allegorical, and active approaches to the text in tandem,¹⁹ just as their Humanist successors would do.²⁰ All of this points not to a coherent programme of allegorical and matter-oriented reading in the Middle Ages, but to a blend of different reading practices—a syncretism of theory that, we might observe, has long been recognized in Humanist thought.²¹ And this syncretism suggests, in turn, that Humanist styles of reading were a repudiation of medieval practices in name alone.

The essay that follows contributes to these debates in the history of reading in two ways. First, it argues that Caxton's prefaces and epilogues index both Humanist and medieval styles of reading. Even while he instructs his readers to attend to the content matter of his texts, and even while allegorical, or matter-oriented, modes of reading figure prominently in his writings, Caxton also

¹⁸ See, e.g., Gillespie V., "The Study of the Classical Authors: From the Twelfth Century to c. 1450", in Minnis A. J. – Johnson I. (eds.), *The Cambridge History of Literary Criticism*, vol. 2: *The Middle Ages 145–236*, here 169, 177; Moss, "Horace in the Sixteenth Century" 72; and Weinberg, *History of Literary Criticism* 356–357 and 806–7.

¹⁹ For side-by-side uses of rhetorical and allegorical reading, see Reynolds, *Medieval Reading* 135–149, and Gillespie V., "Study of the Authors" 155–157, 166–177, 224–231. For active reading, see Wogan-Browne J. – Watson N. – Taylor A. – Evans R., "Models and Images of the Reading Process", in Idem (eds.), *The Idea of the Vernacular: An Anthology of Middle English Literary Theory, 1280–1520* (University Park, PA: 1999) 209–221, here 214–219; Saenger P. – Heinlen M., "Incunable Description and its Implication for the Analysis of Fifteenth-Century Reading Habits", in Hindman S. (ed.), *Printing the Written Word: The Social History of Books, circa 1450–1520* (Ithaca, NY: 1991) 225–258, here 253–254; Wakelin D., *Humanism, Reading, and English Literature* (Oxford: 2007) 93–125.

²⁰ See Mack P., "Rhetoric, Ethics and Reading in the Renaissance", *Renaissance Studies* 19,1 (2005) 1–21, here 1–6; Grafton, "Renaissance Readers and Ancient Texts" 628–642; Grafton, "Humanist as Reader" 181–183, here 204; Richards J., "Gabriel Harvey, James VI, and the Politics of Reading Early Modern Poetry", *Huntington Library Quarterly* 71, 2 (2008) 303–321, here 304–306; Smith, "Two Kinds of Imitation" 235; and Chartier R., "Reading Matter and 'Popular' Reading: From the Renaissance to the Seventeenth Century", in Cavallo G. – Chartier R. (eds.), *A History of Reading in the West* 269–283, here 282–283.

²¹ See, e.g., Mirandola Giovanni Pico della, *Syncretism in the West: Pico's 900 Theses*, ed. and trans. S. A. Farmer (Tempe, AZ: 1998). For specific discussions of Humanist syncretism in the case of, e.g., Erasmus and Salutati, see respectively Kinney, *Humanist and Continental Poetics* 48–49; and Greenfield, *Humanist and Scholastic Poetics* 129–130. In light of this syncretism, as Anthony Grafton has observed, any *grand récit* of the history of reading ought to be subjected to careful scepticism: 'Any history of this complex and protean enterprise,' he writes, 'must eschew grand theses and rapid transitions and accept the possibility of paradox and contradiction'. See Grafton, "The Humanist as Reader" 183.

urges his readers to approach these texts with active, critical judgment—to consider their style and rhetoric alongside the content matter they shape. It is in this sense that, despite the disdain that Erasmus would surely have heaped on his work, and despite Gavin Douglas's dismissal of the printer's philology,²² Caxton is indeed a Humanist of sorts—a figure whose syncretic Humanism might productively complicate the notion that either medieval or early modern styles of reading followed a single, coherent programme.²³ Second, and more broadly, my essay claims that Caxton directs the reader to attend both to the style and to the matter of the text because he sees reading as an activity that produces two different, and complementary, types of knowledge: on the one hand, theoretical knowledge, which he terms 'scyence,' and on the other, practical knowledge, which he terms 'lernynge'.²⁴ When the reader engages with the style and rhetoric of the text, he or she pays attention to how the text behaves—and so in turn gains 'lernynge,' or practical knowledge, of how to behave in everyday life. When the reader engages with the content matter of the text, he or she attends to what the text says—and thus gains 'scyence,' or theoretical knowledge, of the world beyond the book.

Though it is doubtless true that not everyone would have read Caxton's texts in the manner he prescribes,²⁵ and though it is also true that the flexibility of

²² Noting that Caxton translated his *Eneydos* from a French translation of the *Aeneid*, Douglas sneers that Caxton's version has 'hass na thing ado' with Vergil's text, which is 'na mair lyke' to Caxton's version 'than the devill' is like to 'Sanct Austyne'. See Douglas Gavin, *Eneados*, ed. D. F. C. Coldwell, Scottish Text Society 25, 27–28, 30 (Edinburgh: 1957–64) 1.142–143.

²³ For Caxton's 'vernacular humanism,' see Lerer S., *Chaucer and his Readers: Imagining the Author in Late-Medieval England* (Princeton, NJ: 1993) 150; Lerer S., "William Caxton," in Wallace D. (ed.), *The Cambridge History of Medieval English Literature* (Cambridge: 1999) 720–738, here 731–34; Kuskin W., *Symbolic Caxton: Literary Culture and Print Capitalism* (Notre Dame, IN: 2007) 236–241; and Wakelin, *Humanism, Reading, and English Literature* 147–159. For a dissenting view, see Blake N. F., *Caxton and his World* (London: Andre Deutsch, 1969) 195–201.

²⁴ In the *Mirror of the World*, for instance, Caxton says that the matter of his text contains 'paryght scyence and knowleche of God' (*MW* 8), while in his epilogue to *Reynard the Fox* (1481), he claims that the reader may glean 'many a good wysedom and lernynges' (*PE* 62) by reading about Reynard's trickery. I will return to these ideas at greater length below.

²⁵ For class and reading, see Chartier R., "Leisure and Sociability: Reading Aloud in Early Modern Europe," in Zimmerman S. – Wiessman Ronald F. E. (eds.), *Urban Life in the Renaissance* (Newark, NJ: 1989) 103–120, here 103–104 and 117–118. For gender and reading, see Summit J., "William Caxton, Margaret Beaufort and the Romance of Female Patronage," in Smith L. – Taylor J. H. M. (eds.), *Women, the Book and the Worldly: Selected Proceedings of the St Hilda's Conference, 1993*, vol. 2 (Cambridge: 1995) 151–165. For the position that Caxton's texts were aimed towards and consumed by an audience of the urban

his views may reflect a somewhat mercantile desire to please as many customers as possible,²⁶ his advocacy for both styles of reading does suggest that fifteenth-century approaches to the text were more syncretic than we might imagine. Indeed, if reading is a technology designed to correct ignorance, then Caxton's work reveals it to be a multivalent technology—one that produces different types of knowledge, and corrects different types of ignorance, depending on how it is used. Because Caxton's texts expect their fifteenth-century readers to use different technologies of reading in tandem, they lay bare the fact that no one style of reading is ever sufficient in itself; and because it is ultimately the reader who must choose which style of reading to use in a given instance, they also foreground the centrality of the reader's judgment and hermeneutic caution in the reading process. Far from insisting upon a single correct style of reading, be it a 'Humanist' or 'medieval' style, Caxton's books thus suggest that proper reading is caution itself—a willed uncertainty towards the interpretive act.

In order to draw out the syncretism of Caxton's theory of reading, with its debts both to so-called Humanist and medieval practices, I've divided what follows into three sections. Caxton's ideas about style, rhetoric, and readerly judgment—all ingredients in the 'Humanist' programme of reading—serve as the topic of the first. In the second section, I attend to Caxton's ideas about content matter and allegory, which are commonly cited ingredients in the 'medieval' programme of reading. A brief conclusion, in which I revisit the relation between Humanist and medieval ideas of reading, serves as the third and final section of the essay.

1 Humanist Styles of Reading in Caxton

When Caxton's readers are told to read for the 'style' of a text, the idea of style connotes more than literary style alone. In his prologue to *Reynard the Fox* (1481), for instance, the printer tells his readers to 'merk[e]' the 'dyuerce

bourgeoisie, see Wang Y., "Caxton's Romances and Their Early Tudor Readers", *Huntington Library Quarterly* 67, 2 (2004) 173–188, here 181–188.

²⁶ For the position that Caxton's prologues and epilogues are first and foremost designed to sell books, see Bennett H. S., *English Books and Readers 1475–1557* (Cambridge: 1952) 14–18; Rutter R., "William Caxton and Literary Patronage", *Studies in Philology* 84, 4 (1987) 440–470, here 455–456; and Carlson D., "A Theory of the Early English Printing Firm: Jobbing, Book Publishing, and the Problem of Productive Capacity in Caxton's Work", in Kuskin W. (ed.), *Caxton's Trace: Studies in the History of English Printing* (Notre Dame, IN: 2006) 35–68, here 51. But for the position that the prologues and epilogues are also literary artifacts, see Kuskin, *Symbolic Caxton* 81, and Blake, *Caxton and his World* 19 and 152.

poyntes' of *Reynard* so that they may 'come to the subtyl knoweleche of suche thynges as dayly ben vsed and had in the counseyllys of lordes and prelates' (*PE* 60). 'Merk[ing]' the 'dyuerce poyntes' of a text certainly recalls Erasmus's suggestion that students attend to style while they read—but what precisely is this 'subtyl knoweleche'? It is clear that it is not the text's open content matter, for the reader 'muste ofte and many tymes rede in thys boke and ernestly and diligently marke wel that he redeth/ffor it is sette subtelly' (*PE* 60).²⁷ It also seems to be a type of practical rather than theoretical knowledge, for *Reynard* describes not abstract ideas or philosophical concepts, but worldly behaviours that 'dayly ben vsed'. To read *Reynard*, in other words, will produce knowledge that 'prouffyte[s]' (*PE* 60) those who need to recognize the trickery of such worldly behaviour, so that, as Caxton says, 'they be not decuyyd' (*PE* 60).

The character of this 'subtyl knoweleche' grows clearer if we examine the text of *Reynard* itself—in particular, the language of its courtroom scenes, which James Simpson has described as an 'imaginative exercise of rhetorically shaped narrative'.²⁸ Here, various advocates come forward in defence of the Fox, offering persuasive, if specious, arguments on his behalf. In one instance, Grymbart, Reynard's nephew, contests the charge that Reynard stole a pudding from 'Courtoys the hounde' by claiming that the pudding was already stolen: 'Male quesisti et male perdidisti,' he says (*R* 9). By stealing the pudding from a thief, Reynard was doing nothing more than his civic duty, and he would even have been within his rights to put Courtoys to death, were it not for the fact that this would have been a trespass on the king's authority. In another case, Dame Rukenawe counsels the king against condemning the Fox by invoking an array of *auctoritates* twisted from their context. 'A man that sytteth in Iugement ought to put fro hym alle wrath and angre,' she warns, for a 'lorde ought to haue dyscrescion that shold sytte in Lustyse' (*R* 69). Happily for the Fox, Rukenawe's defence finishes on a pacifist note: 'Nolite iudicare/et non iudicabimini/deme ye noman/and ye shal not be demed' (*R* 69).

If we link the 'subtyl knoweleche' described by Caxton's prologue with the reader's ability to perceive the deviousness of Grymbart and Rukenawe's arguments, then this 'knoweleche' would seem to be a capacity to judge, correctly, the true meaning of the words and behaviours of others—the very 'dyscrescion,' or readerly *discretio*, that Rukenawe claims is necessary for a king. Indeed, the

²⁷ Compare Douglas, who suggests that the reader must 'Reid, reid agane, this volume, mair than twyss' (6.12) in his prologue to the sixth book of his *Eneados*.

²⁸ Simpson J., "Consuming Ethics: Caxton's History of Reynard the Fox", in Fletcher A. – D'Arcy A.-M. (eds.), *Studies in Late Medieval and Early Renaissance Texts in Honour of John Scattergood* (Dublin: 2005) 321–336, here 327.

prologue to *Reynard* specifies that it is precisely such ‘knoweleche’ that will allow the reader to avoid deception, to ‘kepe hym from the subtyl false shrewis’ so that he ‘be not decyuyd’ (*PE* 60); and so, like the figure of ‘Discretion’ who guides the reader through Stephen Hawes’s *Example of Vertu*, the narrative of Caxton’s *Reynard* trains its reader to recognize the style and manner of empty flattery, deceitful rhetoric, and specious logic.²⁹ Just as Caxton invited the reader to agree or disagree with his *Dictes or Sayengs*, up to the point of ‘rent[ing]’ out a ‘leef’ (*PE* 30) from the book, in *Reynard* and elsewhere he instructs the reader to peer through the duplicities of language—to ‘dyscerne wysedom fro folye,’ and to ‘Tuge’ those texts that lack a ‘sentence dyffyntyf’ in themselves.³⁰ Such an invitation goes hand in hand with the reader’s freedom to read selectively as well. Even beyond Caxton’s well-documented use of selective reading aids and alphabetical order in his books, the printer encourages his readers to pick and choose from his texts at their pleasure.³¹ At one point in the *Book of Courtesy* (1477), for example, he invokes a variation on what is often termed the ‘apian analogy,’ suggesting that his readers ‘repen the feldes’ of his volume for ‘flours’ of wisdom.³²

Loo my child/these faders auncyente
 Repen the feldes fresshe of fulsomnes
 The flours fresh they gadred vp & hente
 Of siluer langage/the grete riches

²⁹ Hawes Stephen, “The Example of Vertu”, in Idem, *The Minor Poems*, ed. F. W. Gluck – A. B. Morgan, EETS o.s. 271 (Oxford: 1974) ll. 43–56.

³⁰ See Caxton’s prologue to the second edition (1483) of *The Game and Playe of the Chesse* (*PE* 11), and his final epilogue (1481) to his edition of Cicero and Tiptoft, the *Declamacion of Noblesse* (*PE* 46). For discussion, see Wakelin, *Humanism, Reading, and English Literature* 173.

³¹ See the prologue to *The Game and Playe of the Chesse* (1475): ‘I haue ordeyned that the chapitres ben sette in the begynnyng to thende that ye may see more playnly the mater Wherof the book treteth’ (*PE* 12); the prologue to the second edition of the *Confessio Amantis* (1483): ‘J haue ordeyned a table here folowynge’ (stc 12142; unsigned, fol. 1r); the prologue to the *Polychronicon* (1482): ‘folowynge this my prohemye I shal set a table’ (*PE* 67); and the first prologue to the *Golden Legende* (1483): ‘I haue ordeyned this table folowynge/where and in what leef he shal fynde suche as shal be desyred/and haue sette the nombre of every leef in the margyne’ (*PE* 70). For discussion of Caxton’s additions of such aids to selective reading, see Blake, *Caxton and his World* 111–115; and Lerer, “William Caxton” 729.

³² Robert Montgomery notes similar uses of this motif in Caxton’s proem to his edition of Ovid’s *Metamorphoses*. See Montgomery R., “William Caxton and the Beginnings of Tudor Critical Thought”, *Huntington Library Quarterly* 36, 2 (1973) 91–103, here 100–101.

Who wil it haue my lityl childe doutles
 Muste of hem begge/ther is nomore to saye
 For of our tunge/they were both lok & kaye

(*STC* 3303; fol. 10r [unfoliated])

In at least one case, as Elaine Whitaker has shown, readers did just that, by erasing or underlining certain passages in Caxton's *Royal Book* (1488), even while they penned marginalia that applied its *dicta* to their favourite and least favourite neighbours.³³

In a manner similar to Skelton's commands to his readers—'now constrewe ye what is the resydewe,' or 'lat se who dare make up the reste'—Caxton's texts thus invite the reader to judge literature for themselves.³⁴ This freedom of the reader to decide what to follow and what to brush aside infuses the reading process with a certain energy and dynamism—a sense that texts are relevant to the practice of everyday life. As Seth Lerer has argued, the 'notion of literature as something to be used' was familiar from the 'many didactic assemblies' compiled during the fifteenth century,³⁵ and accordingly, as Caxton says in his prologue to the *Book of Good Maners* (1487), some texts should be read 'to thende' that they 'myght be had and vsed emonge the people for thamendment of their maners' (*PE* 100).³⁶ These readers, as he writes in the epilogue to the *Cordyale* (1479), ought to be 'prouoqued and called' into action by their books (*PE* 39). The prologue to the *Morte Darthur* (1485), for example, instructs its readers to 'take the good and honest actes' recounted in Arthurian legend 'in their remembraunce/and to folowe the same' (*PE* 94), while the epilogue to *Godefroy of Bologne* (1481) tells them that they will be 'the better encoraged' by their reading 'tenterprise warre for defense of Cristendom' (*PE* 48). The epilogue to the *Order of Chivalry* (?1484) argues, in turn, that it is a book 'requysyte' to gentleman who wish to engage in 'thexersytes of chyualry' (*PE* 82), an idea

33 See Whitaker E., "A Collaboration of Readers: Categorization of the Annotations in Copies of Caxton's *Royal Book*", *Text* 7 (1994) 233–242, here 236–238.

34 Skelton John, "The Bowge of Court" and "Speke Parott", in Scattergood J. (ed.), *John Skelton: The Complete English Poems* (New Haven: 1983) l. 539 and l. 382, respectively.

35 Lerer, *Chaucer and his Readers* 108.

36 Compare the Prologue to the *Book of the Knyght of the Towre* (1484), which stresses that by reading the text, one will come 'to know many good reueles/and vertuouse maners to be gouerned by' (*PE* 86). Compare Adams T., "Noble, wyse and grete lordes, gentilmen and marchauntes": Caxton's Prologues as Conduct Books for Merchants", *Parergon* 22, 2 (2005) 53–76, here 54–56; Petrina A., "Young Man, Reading: Caxton's *Book of Curtesye*", in Petrina A. (ed.), *MedieVaria: Un liber amicorum per Giuseppe Brunetti* (Padova: 2011) 115–134, here 122–127; and Lerer, "William Caxton" 724.

mirrored in the epilogue to *The Fayttes of Armes* (1489), which will gift its readers with ‘knowlege of how they ought to behaue theym in the fayttes of warre and of bataylles’ (PE 103).³⁷ The end of the *Order of Chivalry* distils these ideas of reading into a maxim, one that insists upon the practical value of reading Caxton’s texts for action: ‘rede this lytyl book,’ it says, ‘and doo therafter’ (PE 84).

It is clear that the ‘knowlege’ of manners and styles of practical behaviour is not exactly the same as knowledge of theoretical disciplines such as mathematics or philosophy, for where the latter type of knowledge seeks the abstract, the former type busies itself with the pragmatic and particular.³⁸ As I noted above, Caxton’s term for this more pragmatic and particular kind of knowledge is ‘lernyng’, a term that in Middle English refers to the continuing process of knowledge acquisition.³⁹ Caxton uses the term, in the prologue to the *Morte*, when he claims that by reading his text, ‘men may see and lerne the noble actes of chualrye’ (PE 94), and he invokes it in the prologue to *Caton* (1483) and epilogue to *Reynard*, which argue, respectively, that they ‘reherceth many a fayr lernyng’ and offer ‘many a good wysedom and lernynges’ to their readers (PE 76–77, 62). As Philip Sidney would later put it, ‘learning’ is the ‘purifying of wit’—the ‘enriching of memory, enabling of judgment, and enlarging of conceit’⁴⁰—and in this regard, there are two things that tie Caxton’s late medieval ‘lernyng’ together with Sidney’s *sprezzatura* notion of the same. First, as we saw above, ‘lernyng’ involves the training of the reader’s judgment. Second, it is far less concerned, or perhaps even unconcerned, with the truth or fiction of the text to be read. Because ‘lernyng’ does not depend upon the virtue or vice of a given text—for we can learn just as easily from bad examples as from good ones—Caxton stresses that any text can be of use to his readers,

37 For the argument that Caxton’s exhortations to chivalry and battle were formulaic and adapted from motifs in Burgundian literature, see Bornstein D., “William Caxton’s Chivalric Romances and the Burgundian Renaissance in England”, *English Studies* 57, 1 (1976) 1–10, here 6–8. Compare Blake, *Caxton’s World* 67–70; and Goodman J. R., “Malory and Caxton’s Chivalric Series, 1481–85”, in Spisak J. W. (ed.), *Studies in Malory* (Kalamazoo, MI: 1985) 257–274, here 258–259.

38 As Elizabeth Kirk observes, Caxton’s texts teach us ‘not conceptually, like philosophy or ethics, but experientially, as experience does’. See Kirk E., “Clerkes, Poetes and Historiographs”: The *Morte Darthur* and Caxton’s ‘Poetics’ of Fiction”, in Spisak (ed.), *Studies in Malory* 275–295, here 291.

39 See ‘lerninge, ger,’ senses 1a and 1b, in McSparran F. – Latta J. (eds.), *Middle English Dictionary* (Ann Arbor, MI: 2013) <<http://quod.lib.umich.edu/m/med/>>.

40 Sidney Philip, “Defence of Poesy”, in Idem, *The Major Works*, ed. K. Duncan-Jones (Oxford: 2002) 219.

to the point that critics have read his claims as disingenuous sales pitches.⁴¹ This stress upon the universal utility of all texts finds particular expression in the prologue to *Charles the Grete* (1485). Here, Caxton invokes Romans 15:4, a common *topos* of late medieval literary theory, in order to justify the content matter of his text.⁴² 'SAynt Paul,' he writes, 'doctour of veryte, sayth to vs that al thynges that ben reduced by wrytyng ben wryton to our doctryne,' and this includes, he continues, even those texts whose matter may be unorthodox, for 'thynges passed dyuersly' that have been 'reduced to remembraunce' will still 'engendre in vs correction of vnlauful lyf' (*PE* 95). As for the problem of orthodoxy, the printer notes hastily that in any case, the 'cristen feyth is affermed and corrobered by the doctours of holy chyrche' (*PE* 95): what could be the harm in reading a few pagan texts or frivolous romances on the side? Caxton goes still further than this in the epilogue to *Charles*, where he implies, like Erasmus, that fictional stories may be just as useful for didactic purposes as factual ones, since 'the comune vnderstondyng is more contente to reteyne parables and examples for the ymagynacion locall/than to symple auctoryte/ the whyche is reteyned by vnderstondyng' (*PE* 97–98).⁴³ This argument, which recalls the 'imaginative syllogism' of the Aristotle-Averröes *Poetics*, suggests a

⁴¹ To cite only a few examples from many, see the prologue to the second edition of *Chesse* (1483), which claims that it is 'requysyte vnto euery astate and degree' (*PE* 12); the prologue to *Caton*, which asserts that 'IN this smal lytly booke is conteyned a short and prouffitable doctryne for all maner of peple' (*PE* 78); and the epilogue to *Tullius of Friendship* (1481), which claims that both Cicero's *De amicitia* and *De senectute* are 'full necessarye behoeffull and requysite vnto euery age estate and degree' (*PE* 46). For discussion of the prologues and epilogues as sales pitches, see, e.g., Gillespie A., "Folowyng the trace of mayster Caxton: Some Histories of Fifteenth-Century Printed Books", in Kuskin W. (ed.), *Caxton's Trace* 167–195, here 168–169, and Wakelin, *Humanism, Reading, and English Literature* 147. But see Gillespie A., 'Caxton and the Invention of Printing,' in Pincombe M. – Shrank C. (eds.), *The Oxford Handbook of Tudor Literature, 1485–1603* (Oxford: 2009) 121–136, here 127–128, for the literary qualities of Caxton's work.

⁴² For an overview and examples of this *topos*, see Minnis A., *Medieval Theory of Authorship: Scholastic Literary Attitudes in the Later Middle Ages*, second edition (Philadelphia, PA: 2010) 205–206. For Caxton's other uses of Romans 15:4, see the prologue to the second edition of *Chesse* (*PE* 10), the epilogue (1475) to the *Recuyell of the Historyes of Troye* (*PE* 8), and the prologue to the *Morte Darthur* (*PE* 95). For discussion, see Kirk, "Caxton's 'Poetics' of Fiction" 277–283; Kretzschmar W. A., Jr., "Caxton's Sense of History", *Journal of English and Germanic Philology* 91, 4 (1992) 510–528, here 519–526; and Kuskin, *Symbolic Caxton* 208–209.

⁴³ Compare Erasmus, *De copia* 631, see above at note 15.

deep ambivalence towards the truth or ethics of the text.⁴⁴ If any book at all can offer local, pragmatic ‘lernyng’ to the reader, why should that reader bother with general, abstract knowledge of the true or the good?⁴⁵

This question bubbles into open discussion during the prologue to the *Morte*, in which Caxton recounts a conversation with an unhappy customer. One day, he tells us, certain ‘gentylmen of thyS royme of Englond camen and demaunded’ of him why he had not printed ‘the noble hystorye of the saynt greal’ and of the ‘worthy/kyng Arthur’ (*PE* 92). In reply, he ‘answerd/that dyuers men holde oppynyon/that there was no suche Arthur/and that alle suche bookeS as been maad of hym/ben but fayned and fables’ (*PE* 93). Nevertheless, the gentlemen are persistent, and one of them lists the evidence for Arthur’s historicity: his ‘sepulture in the monasterye of Glastyngburye,’ the account of his life ‘in polycronycon in the v book the syxte chappytre/and in the seventh book the xxij chappytre,’ the *vita*e found in ‘bochas in his book de casu principum’ and the ‘brutyshe book’ of ‘galfrydus,’ and an array of relics from Arthur’s time still to be found in England, including the Round Table, his ‘seal in reed waxe,’ the skull of Gawain ‘in the castel of douer,’ and many other proofs (*PE* 93). In the face of such copious evidence, Caxton says, he ‘coude not wel denye/but that there was suche a noble kyng named Arthur’ (*PE* 94). The gentleman wins the argument, and Caxton agrees ‘to enprynte’ the ‘noble hystoryes’ of Arthurian legend (*PE* 94).

As it turns out, however, this acquiescence is something of a feint. When he comes round, towards the end of the prologue, to his decision to print the *Morte*, Caxton in fact remains ambivalent about the historical existence of Arthur. Like the epilogue to *Reynard*, where he claims that the matter of his text is useful even though it is comprised ‘of iapes and bourdes’ (*PE* 62), the prologue to the *Morte* admits that Arthur could be as made-up as the tricks of a talking fox: ‘for to passe the tyme thyS book shal be plesante to rede in/but for to gyue fayth and beleue that al is trewe that is conteyned herin/ye be at your liberte (*PE* 95).⁴⁶ This invocation of the reader’s *discretio*, or freedom

44 For discussion of the imaginative syllogism, see Gillespie V., “Study of the Authors” 172. But see Simpson, “Consuming Ethics” 326–327, for the argument that *Reynard* offers instead images that reflect not ethical precepts but the desire of the reader.

45 Compare Simpson, “Consuming Ethics” 334–335, who suggests that in Caxton’s ambivalent *Reynard*, the Fox ‘empties many powerful discursive forms of all truth content [...] there can be no truth inhering in narrative, since all narrative in the animal world is subject to self-interested, hunger-driven distortion’.

46 As Kretzschmar suggests, ‘it was enough for Caxton that his readers could decide for themselves’. See “Caxton’s Sense of History” 511.

to exercise discriminating judgment towards what she reads, makes it clear that Caxton hardly expects the reader to engage ‘passively’ with the content matter of Arthurian legend. On the contrary, like Erasmus, Bruni, Boccaccio, or even Pierre Bersuire, he suggests that the truth or fiction of this matter is irrelevant.⁴⁷ Even a fictional story can be useful, for it can spur its readers ‘tex-ercsyse and folowe vertu’ in a practical matters, and the reader is in any case free to pick and choose from Caxton’s text as she likes: ‘Doo after the good and leue the euyll,’ he writes, ‘and it shall bryng you to good fame and renom mee’ (*PE* 94–95). Like his blithe use of the compiler’s defence in his epilogues to the *Dictes* and *Reynard*, the printer’s defence of Arthur hinges entirely on the rhetorical utility of the Arthurian text, not upon the truth or fiction of that text’s content matter.⁴⁸ As Norman Blake puts it, ‘a historical Arthur is immaterial’ to Caxton’s book.⁴⁹

2 Medieval Styles of Reading in Caxton

From this evidence above, it would appear that, contrary to certain critical accounts of ‘medieval’ reading, Caxton stresses the importance and utility of

47 For Erasmus’s position that texts can be useful irrespective of the truth or falsity of their matter, see at note 15 above; for Bruni on the same, see at note 10 above. In the Middle Ages, too, Giovanni Boccaccio suggested that the reader was free to put pagan texts to good ends—“weigh the words of the poets in a true balance”, he wrote, “and put away the unholy part.” Pierre Bersuire, in turn, argued that “fables, puzzles, and poems [*fabulis, enigmatibus & poematibus*] must be used/so that some moral sense may be drawn out [*extrahatur*] from them, and so that/their very falseness may be forced [*cogatur*] into the service of truth.” See Boccaccio Giovanni, *Boccaccio on Poetry: Being the Preface and the Fourteenth and Fifteenth Books of Boccaccio’s Genealogia Deorum Gentilium*, ed. and trans. C. G. Osgood (Indianapolis, IL: 1929) 100; and see Bersuire Pierre, *De formis figurisque deorum*, ed. J. Engels (Utrecht: 1966), ll. 6–8 (p. 1).

48 See Caxton’s epilogue to the first edition of *Dictes or Sayengs*, where he suggests that ‘yf they [i.e. his readers] fynde ony faulte tarette it to Socrates and not to me whiche wryteth as here after foloweth’ (*PE* 24), and his epilogue to *Reynard*, where he asserts that ‘yf ony thynge be said or wretton herin/that may greue or dysplease ony man/blame not me/but the foxe/for they be his wordes and not myne’ (*PE* 62). For the conventional *topos* of the ‘compiler’s defence,’ see Minnis, *Medieval Theory of Authorship* 200–208.

49 Blake N. F., “Caxton Prepares his Edition of the *Morte Darthur*”, in *William Caxton and English Literary Culture* (London: The Hambledon Press, 1991) 199–211, here 210. For the view that Caxton’s position in this prologue is simply a convenient way to ‘best sell a book,’ see Rutter, “William Caxton and Literary Patronage” 440–470, here 468. For a similar reading of the prologue to Caxton’s *Eneydos*, see Kuskin, *Symbolic Caxton* 49.

reading for style—sometimes, to such an extent that he seems to care little for whether the content matter of his texts is true or false. But this is not wholly the case, for as I will argue below, Caxton also fixates, in the very same prologues and epilogues, upon the importance of written matter as a source of theoretical rather than practical knowledge. In order to sketch this broader and more syncretic portrait of Caxton's attitudes towards the technology of reading, a consideration of his *Mirrour of the World* (1481)—itself a translation of Gauthier de Metz's miniature encyclopaedia, *L'image du monde* (1245)—will be productive.

From the very start of the *Mirrour*, one has the impression of a different Caxton—of an earnest man who values knowledge for its own sake, and who lionizes the writers who preserved that knowledge in dusty books. Building from a proverb on the durability of written knowledge, the printer opens the *Mirrour* with a tribute to these books and the old 'science' they contain.⁵⁰

Consideryng that wordes ben perisshyng, vayne & forgetful, and writynges duelle & abide permanent, as I rede *Vox audita perit, littera scripta manet*, thise thinges haue caused that the faites and dedes of Anncent menn ben sette by declaracion in fair and Aoured volumes, to thende that science and Artes lerned and founded of thinges passed myght be had in perpetuel memorye and remembraunce (*MW* 5)

Like his prologue to the *Book of the Knyght of the Towre* (1484), where he praises those who have left 'for a remembraunce after theyr dethe to vs' their 'vertuouse doctryne and techynge' (PE 86), and with an echo of the earlier prologues to Gower's *Confessio amantis* and Lydgate's *Fall of Princes*, Caxton here stresses the intrinsic worth of written knowledge even while lamenting its fragility and transience.⁵¹ The body of all written knowledge, a body that Mary

50 Compare Kuskin, *Symbolic Caxton* 47, who claims that this quotation is drawn from Isidore of Seville's *Etymologies*; I find no reference to Isidore, however, in either Crotch's edition (see PE 51) or Blake's *Caxton and his World* 154–158, which Kuskin cites as evidence for this claim (see 312 n. 40). The phrase is not in Caxton's French source (cf. PE 51); Hans Walther suggests that it is proverbial in medieval *florilegia*, perhaps of Patristic origin. See Walther H. (ed.), *Proverbia sententiaeque latinitatis medii aevi*, 4 vols. (Göttingen: 1963) vol. 4, 917 (no. 34168).

51 See Gower John, "Prologue" to *Confessio Amantis*, in Macaulay G. C. (ed.), *The Complete Works of John Gower*, 2 vols. (Oxford and London: 1901) ll. 1–11; and Lydgate John, "Prologue" to *Fall of Princes*, ed. H. Bergen, EETS e.s. 121–24 (London: 1924–27) ll. 22–28.

Franklin-Brown helpfully terms 'the archive,'⁵² is thus the true object of reading in the *Mirroure*, not literary style or rhetorical manner. It is by consuming 'the contente' of Caxton's book, not by judging its style, that the reader may 'lerne grete partie of the fourme and condicion of this worlde' (*MW* 7).

Like the 'maters' that are 'comprised to be knownen' (*PE* 68) in Caxton's epilogue to the *Polychronicon* (1482), then, the matter of the *Mirroure* is theoretical rather than practical knowledge—an ordered system of knowing rather than a set of behaviours to be known and emulated in everyday life. As such, it demands a reading practice that is both orderly and systematic.⁵³ In contrast to his earlier recommendations for selective reading, Caxton insists that the *Mirroure* be read from start to finish, and in proper order: 'late hym rede this said volume treatably, auisedly and ordynatly' he writes, 'that, in suche thing as he shal rede, he suffre nothyng to passe but that he vnderstonde it right well' (*MW* 7). The significance of this advice becomes clear when we look beyond the prologue and towards the *Mirroure* itself. Because, as the printer notes, his book 'treateth of the world and of the wondreful dyvision therof' (*MW* 6), the subdivisions and hierarchies of knowledge to be found in the *Mirroure* will not be properly grasped unless the reader digests them in order. To understand the works of nature, for example, logic dictates that we learn first about Nature herself, 'Ffor God created nature altherfirst, and tofore he created ony other thinge' (*MW* 43). Similarly, in order to comprehend the principles of the four elements, an account of 'euerich in his right ordre' is needed (*MW* 109). An ordered style of reading is needed to grasp more complex topics, too. At one point, Caxton says that to know what the 'firmament' is, the reader must know first its 'mesure,' both to 'vnderstande' better its own 'facion' and to comprehend 'that whiche is aboue' it (*MW* 129). Likewise, a proper understanding of 'Eclipses' requires preliminary knowledge of 'howe the daye and nyght comen,' and it is only after this is grasped that the reader will comprehend 'the disposition of the tyme' at which these eclipses occur (*MW* 130).

The logic behind this ordered approach to reading would seem to be one of microcosm and macrocosm—a belief that the world, as a reflection of the mind of God, can be understood *via* rational order and first principles. Indeed,

⁵² See Franklin-Brown M., *Reading the World: Encyclopedic Writing in the Scholastic Age* (Chicago: 2012) 29–31.

⁵³ For the association of this type of comprehensive reading with Scholastic textual practices, see Parkes M. B., "The Influence of the Concepts of *Ordinatio* and *Compilatio* on the Development of the Book", in Alexander J. J. G. – Gibson M. T. (eds.), *Medieval Learning and Literature: Essays Presented to Richard William Hunt* (Oxford: 1976) 115–141, here 119–120.

as Caxton suggests, a careful reading of the *Mirrour* will lead the reader towards ‘parfyght scyence and knowleche of God’ (*MW* 8), for no type of knowledge—be it knowledge of the world or of the Seven Liberal Arts—can ignore its roots in the divine, in the ‘Lord of whom alle science groweth and haboundeth’ (*MW* 24). It was often suggested in the Middle Ages that the world was a ‘book written by the finger of God’.⁵⁴ By this reasoning, an allegorical reading of the particulars of the world will give rise to abstract knowledge of God, ‘ffor men shal neuer wel knowe the maistre, but yf byfore men knowe parfightly his estate and what his werkes been; ffor by the werkys is the werkeman knownen’ (*MW* 22).⁵⁵ Similarly, knowledge of the seven liberal arts will lead to knowledge of all creation, because both share a common root in the divine, and because the ‘seuen scyences lyberall’ are in any case the source ‘out of whiche all other sciences procede’ (*MW* 155). Caxton’s *Mirrour* thus appears to mount an *apologia* of reading books for their own sake, elevating the systematic consumption of theoretical knowledge above learning practical ‘arte[s] for to gete þe moneye’ (*MW* 28). As he makes clear when he compares foolish readers to the rooster in Aesop’s *Cock and Jasp*, the use of books for *praxis* alone is merely shallow and superficial (see *MW* 26–27). Proper reading cannot be solely concerned with style: it must be a deep sort of reading, a type of reading that, unlike the Cock’s misreading of the Jasp, finds value in knowledge beyond its outward form or pragmatic utility.⁵⁶

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- 54 See Hugh of St. Victor, *De Tribus diebus*, chapter four, in Migne J.-P. (ed.), *Patrologia latina*, vol. 176 (Paris: 1854) col. 814B: ‘The whole sensible world [*mundus*] is a book written by the finger of God [*liber est scriptus digito Dei*], one created by his divine power, and individual creations [*singulae creaturae*] are just like figures—not those written for human amusement, however, but those set down by divine will for the sake of manifesting the invisible wisdom of God [*ad manifestandam invisibilium Dei sapientiam*]’. Compare Augustine, ‘De Capitulo evangelii sec. Matthaeum’ (sermon on Matthew 11:25–26) in Morin D. G. (ed.), *Miscellanea Agostiniana*, vol. 3: *Sancti Augustini sermones* (Rome: 1930) § 6 (p. 360): ‘Some, in order to find God, read a book [*alius … librum legit*]. But the entire face of creation [*species creaturae*] is itself a great book [*magnus liber*]: look upon it, pay attention to it, and read it.’
- 55 For a parallel reading of Caxton’s use of allegory in his edition of the *Metamorphoses*, see Fumo J. C., ‘Ovid’s New Clothes: Text and Image in Caxton’s ‘Booke of Ouyde’ (1480) and Contemporary Prose Moralizations of the *Metamorphoses*’, in Wisnovsky R. – Wallis F. – Fumo J. C. – Fraenkel C. (eds.), *Vehicles of Transmission, Translation, and Transformation in Medieval Textual Culture* (Turnhout: 2012) 313–333.
- 56 For a parallel account of the Cock and Jasp fable, see Henryson Robert, *Fables*, in Idem, *The Complete Works*, ed. D. J. Parkinson (Kalamazoo, MI: 2010), ll. 127–128, who also suggests that, in the story, the ‘gentill jasp richt different of hew/Betakinnis perfite prudence and cunning’.

There remains, however, a cautious scepticism in Caxton's praise of written knowledge—a dissenting voice that tells his readers not to believe everything they read. Those credulous readers who would trust the words of a fox or insist upon an historical Arthur would seem to lack this scepticism—but Caxton, in his own reading of his source for the *Mirrour*, hardly lacks it himself. At one point in his translation, for instance, he corrects a geographical detail, noting that Gauthier de Metz is clearly wrong in locating certain countries, such as Greece and Italy, on the continent of Africa: 'as I vnderstonde,' he says dryly, 'alle thise ben within the lymytes and boundes of Europe' (*MW* 93–94). And evidence of Caxton's own readerly judgment is hardly limited to parenthetical comments in the *Mirrour*. In the epilogue to his *Recyuell of Troye*, for example, the printer admits that his text does not agree 'in all poyntes' with the accounts of the Trojan War in 'Dictes. Dares. and Homerus' (*PE* 8), and in his epilogue to the *Historie of Jason*, he notes that there is a discrepancy between his source and Boccaccio's *Genealogia deorum gentilium* (*PE* 35–36). Elsewhere, Caxton voices louder doubts towards content matter that he finds implausible. He reads, for instance, his source's account of St. Patrick's Purgatory—an underground cave where some claim to have had ecstatic visions—with raised eyebrows. It must be admitted, he writes, that the story has certain witnesses in the written record, and so 'hit may wel be that of auncyent tyme it hath ben thus as a fore is wretton, as the storye of Tundale & other witnessesse' (*MW* 99). Still, he has himself 'spoken with dyuerse men that haue ben therin,' including a 'hye chanon of Waterford' and 'knyght of Bruggis named sir John de Banste,' and none of these ever 'sawe ne suffred no suche thynges' as have been reported (*MW* 99).

This implicit tension between reading for style and reading for content matter—between reading for practical 'lernynge' and reading for theoretical 'scyence'—finds its most explicit expression in the passage that leads up to Caxton's discussion of St. Patrick's Purgatory. Here, Caxton addresses his reader and admits that, while much of the *Mirrour* may seem implausible, this reader should 'be not admeruayld of suche thinges' as she 'haue founden wretton in this present booke' (*MW* 96). After all, he writes,

Ffor in like wise as to vs seme grete meruaille of thinges that I here reherce, in lyke wyse semeth it to them that ben fro vs, that those thinges of thise contrees ben moche dyuerse & strange, & meruyalle gretly by cause they haue litil seen of it; & therfore a man ought not to meruaylle yf he here somtyme ony thyng though he can not vnderstonde the rayson; ffor alleway a man ought to lerne. And ther is noman that knoweth all, sauf only God whiche all seeth and alle knoweth. (*MW* 97)

All human knowledge, Caxton suggests, is limited: only God has full knowledge of all things. After the Fall, humans must content themselves with an imperfect quantity and quality of knowledge (cf. *MW* 153–54)—with the admission that one must ‘meruaylle’ at the ‘nombre’ of ‘sterres on the heuen,’ not attempt to count them (*MW* 128). While Caxton’s scepticism towards the idea of complete and objective knowledge hardly extends to the point of, say, Montaigne’s essay on cannibals, his assertion that things appear true only because they are familiar—and that our own customs must look very ‘dyuerse & strange’ to those who ‘ben fro vs’—implies that books should not be used as the sole authoritative source of knowledge.⁵⁷ Like the epilogue to *Reynard*, which says that there are ‘many thynge in the world whiche ben byleuyd’ even though they ‘neuer were don ne happed’ (*PE* 62), or like the epilogue to the *Dictees or Sayengs*, which reports that the ‘condycions’ and customs of women in Greece differ from their condition in England (*PE* 22), the *Mirroure of the World* ultimately admits that it is an imperfect microcosm, or ‘mirrour’ for human culture and life. Written knowledge must be approached with caution, for to read for matter alone, with no scepticism towards what one reads, will not do.

3 Conclusions

I have argued that Caxton endorses two modes of reading in his texts and para-texts—reading for style and ‘lernynge,’ on the one hand, and reading for matter and ‘scyence,’ on the other. While in certain instances he clearly prefers one mode over another, each has its shortcomings, and the printer does not seem to voice a clear, general preference for either one. Given the syncretism of his theories, can Caxton be said to have a coherent, general position on reading and its relationship to knowledge? One answer, I suggest, may be provided by Caxton’s prologue to Ralph Higden’s *Polychronicon* (1482), a universal history

57 See Montaigne Michel de, “On the Cannibals”, in Idem, *The Complete Essays*, trans. M. A. Screech (London: 2003) 1.31 (p. 231): ‘I find (from what has been told me) that there is nothing savage or barbarous [*rien de barbare et de sauvage*] about those peoples, but that every man calls barbarous anything he is not accustomed to [*qui n'est pas de son usage*]; it is indeed the case that we have no other criterion of truth or right-reason than the example and form of the opinions and customs [*opinions et usances*] of our own country.’ Compare Montaigne Michel de, “Des Cannibales”, in Idem, *Les Essais*, ed. P. Villey (Paris: 2004) 1.31 (p. 205).

translated into English by John Trevisa during the late fourteenth century.⁵⁸ The prologue introduces the most extensive book of history ever printed by Caxton; predictably, it discusses at length the relation between writing, the past, and historical experience. Despite an opening that, like the prologue to the *Mirrour*, pays 'GRete thankynges lawde and honoure' (PE 64) to those who preserve knowledge in books, Caxton would appear to admit, at least at first, that practical knowledge is a better than the theoretical knowledge found in books: 'He is/and euer hath ben reputed the wysest,' he writes, 'whiche by the experyence of aduerse fortune' and 'by the experiment of Jeopardyes and perylls' has acquired 'the lore of wysedome and polycye' (PE 64). In what follows, however, Caxton turns the tables on praxis with a defence of theory. Reading, he suggests, bestows a kind of wisdom equal to experience, for 'he is more fortunat/and may be reputed as wyse . yf he gyue attendaunce without tastynge of the stormes of aduersyte that may by the redyng of histories' (PE 64). In place of 'tastyng' things by experience, such 'redyng,' Caxton explains, will bestow 'knowleche of and vnderstandynge of the same wysedom and polycye' (PE 64)—because, in the texts of 'hystories' written 'in large and aourned volumes,'

he [the reader] syttinge in his chambre or studye/maye rede/knowe and vnderstante the polytyke and noble actes of alle the worlde as of one Cyte/And the conflyctes/errours. Troubles/*and* vexacions done in the sayd vnyuersal worlde/Jn suche wyse as he had ben and seen them. in the propre places where as they were done/For certayne it is a greate beneurte vnto a man that can be reformed by other and straunge mennes hurtes and scathes/And by the same to knowe/what is requysyte and prouffytable for his lyf/And eschewe suche errours and Jncouenytys/by whiche other men haue ben hurte and lost theyr felycye (PE 64)

The image is remarkable: it is marvelous indeed to think that one might sit in one's study and learn, as if by experience, the 'noble actes of alle the worlde as of one Cyte'. With this, the distinction between reading exclusively for practical or for theoretical knowledge breaks down, for books themselves are shown to be derived from experience, from the 'experiment of grete jeopardyes' (PE 64) hazarded by their authors. If, as Caxton argues, the 'thynges that historey descryueth by experyence/moche prouffyten vnto a ryghtful lif' (PE 66),

⁵⁸ For an important discussion of Caxton's prologue to this text, see Tonry K., "Reading History in Caxton's *Polychronicon*", *Journal of English and Germanic Philology* 11, 2 (2012) 169–198.

then theoretical knowledge, contained in books that recount the deeds of the past, bears directly on practical behaviour in the present.⁵⁹

It would thus seem that Caxton recommends both types of reading and knowing across his body of work. Pure trust in one style or the other limits one's ability to 'prouffyfe' from a book, for where reading for style trains the judgment and wit, reading for content matter grants one knowledge of 'moo ensaumples of thynges and laudable actes. than thage of one man may suf fyse to see' (*PE* 64). Like the verse from Romans that moves Augustine to faith, books of theory can inspire practice, like the histories that, as Caxton tells us, 'haue moeued ryght noble knyghtes to deserue eternal laude whiche foloweth them' (*PE* 65).⁶⁰ All books, and all types of reading, spur action of themselves. It would also seem that the Humanist styles of reading sketched in my introduction are less novel or original than they first appeared. As I noted above, like their Humanist counterparts, medieval readers also used an array of rhetorical and allegorical approaches to the text in tandem; they exercised *discretio*, or judgment, in the reading of their books; and they prized style as much as content matter in their hermeneutic practices. The syncretism of these various styles of reading in medieval letters is, moreover, hardly surprising, for if Humanism is itself a style of reading, then its gradual rise to prominence hardly disqualifies other styles of reading from the hermeneutic field.⁶¹

A neat example of this syncretism can be found, again, in the work of Erasmus. Despite his vitriol for modes of reading practiced by representatives of Scholasticism—the friars, on the one hand, and university professors, on

- 59 As Tonry concludes, 'Caxton's reader is an active, judging presence, evoked precisely through the process of reading histories'. See Tonry, "Reading History in Caxton's *Polychronicon*" 183. Indeed, in the vernacular historiographical tradition, the notion that the reader might use books about the world as a surrogate for experience of the same is relatively common. In translating Higden's own preface to the *Polychronicon*, for instance, John Trevisa praises the writers who have recounted their experience of the world in books: 'we mowe nought ful preyse hem, that in stories meteth and discryueth all the worlde wyde'. See Higden Ranulph, "Prologus", trans. J. Trevisa, in Higden Ranulf, *Polychronicon Ranulphi Higden monachi cestrensis*, ed. C. Babington, vol. 1 (London: 1865) § 4 (p. 7).
- 60 As Augustine writes, 'And lo, I heard a voice from a neighboring house ... "Pick up and read, pick up and read" ... I seized the nearest book, opened it, and read in silence [*legi in silentio*] the first words on which my eyes fell [*coniecti sunt oculi mei*]: "Not in reveling or in drunkenness, not in lust or in the bed, not in quarrels or in rivalries, but in the Lord Jesus Christ, clothe yourselves: make no provision for the flesh and its carnal desires." The passage Augustine reads is a pre-Vulgate version of Romans 13:13–14. See Augustine, *Confessionum libri XIII*, ed. L. Verheijen, CCSL 27 (Turnhout: 1981) 8.12.29 (p. 131).
- 61 For Humanism as a style of reading, see Wakelin, *Humanism, Reading, and English Literature* 1–22.

the other—Erasmus in fact recommends that students read not merely for style, but for content matter as well—and that they use allegory, moreover, to engage with this matter if need be.⁶² Like Caxton, he often figures the world as a microcosm of God, writing of the ‘great universal harmony’ of ‘all those allegories, signs, and mysteries’ that prefigure ‘the century of Christ’.⁶³ He suggests allegoresis as a means for ‘cleans[ing]’ the matter of pagan literature, so that it might be of use in ‘Christian learning’,⁶⁴ and he deploys, in his analysis of the ‘allegory or hidden meaning’ latent in ancient myth, hermeneutic contortions that recall the *Ovide moralisé*.⁶⁵ Indeed, with respect to grasping Christian teaching, Erasmus goes so far as to claim that to read the pagan authors allegorically may be more useful than reading the Old Testament literally. ‘What difference is there,’ he asks, ‘whether you read the Book of Kings or the Book of Judges or Livy’s history, if in none of them you perceive the allegory?’⁶⁶ While it may be the case that, as Terence Cave suggests, Erasmus is here being ‘deliberately provocative’,⁶⁷ his provocation nonetheless reflects the fact that, as Grafton observes, even ‘the gravest and most learned of philologists still used allegorical keys to open certain doors’.⁶⁸ Indeed, many of the grave philologists cited in my introduction—including Salutati, Bruni, Poliziano, and Landino—did just that.⁶⁹

62 For an overview of Erasmus’s structured approach to reading in the classroom—a four-fold process that included summarizing, word-by-word grammatical study, rhetorical annotation, and finally, the analysis of allegories and *exempla*—see Kintgen, *Reading in Tudor England* 24–28, and Mack, “Rhetoric, Ethics and Reading in the Renaissance” 8. For Guarino da Verona’s similar pedagogical practice, see Grafton, “The Humanist as Reader” 197–198.

63 Erasmus, *Antibarbarorum liber* 59.

64 Erasmus, *Antibarbarorum liber* 92–93.

65 For this discussion of allegory, see Erasmus, *De copia* 611–613, here 611.

66 Erasmus, *Enchiridion*, trans. J. W. O’Malley, in O’Malley J. W. (ed.), *Collected Works of Erasmus*, vol. 66 (Toronto: 1988) 68. As Michel Jeanneret comments, ‘Paul’s saying, “the letter kills but the Spirit gives life” (11 Corinthians 3:6) is central to Erasmian exegesis [...] It might be more fruitful, Erasmus says, to read pagan fables allegorically than to read the Scriptures literally’. See Jeanneret M., “Erasmian Exegesis”, in Norton G. P. (ed.), *The Cambridge History of Literary Criticism*, vol. 3; *The Renaissance* 40.

67 Cave T., *The Cornucopian Text: Problems of Writing in the French Renaissance* (Oxford: 1979) 92.

68 Grafton, “Renaissance Readers and Ancient Texts” 635.

69 See Salutati, *De laboribus Herculis*, 1.12.7 (p. 63), who says that the poet writes ‘true things [*vera*] by means of ‘metrical and figurative [*figurativoque*] speech hidden beneath the mystery of some narrative [*sub alicuius narrationis misterio*]’; Bruni, *De studiis et litteris* 120–121, who argues that when he reads sinful matter, his ‘concupiscence is not aroused,’ since the matter is ‘fictional and allegorical [*fabulosas et aliud pro alio significantes*] in

With all this in mind, I'd like to turn once more, in conclusion, to Caxton and the two types of knowledge that, in his view, are produced by reading: practical 'lernynge' and theoretical 'scyence'. At one point in the *Mirror of the World*, Caxton recounts a story that will be familiar to many. In the Indian Ocean, he writes, there is a 'fysshe so huge and grete that on his backe groweth erth and grasse,' a fish so large that it 'semeth proprely that it is a grete Ile' (*MW* 88). It has happened, he continues, that certain sailors have been 'gretly deceyued and abused' by the looks of this fish. Imagining it to be 'ferme londe,' these sailors have laid anchor, disembarked, and made a fire atop its back, only to find themselves lost when the 'merueyllous fysshe' plunges back into the sea, drowning both fire and men in a single motion.

This story, I suggest, may be taken as an emblem of sorts—as a cautionary tale about the risks of depending too much upon one type knowledge, and one type of reading, instead of another. If, in the epilogue to *Reynard*, reading for 'lernynge' is useful for coming to know the 'subtyl deceytes' that 'dayly ben vsed' in the world (*PE* 60), reading for 'scyence' in the *Mirror* or the *Polychronicon* allows one to avoid being 'gretly deceyued and abused' by those things—like whales, or history—that one could not possibly know through practical, 'real-world' experience. Attending to how a text works might train the reader's practical intelligence, in other words, but attending to what the text says proves useful where experience meets its limits. Like the careless doctors in Alexander Barclay's *Ship of Fools*, who disdain to read medical treatises and rely exclusively upon their senses when they treat their patients, the sailors drowned by Caxton's whale thus possess too narrow a conception of knowledge—and in turn, too narrow a conception of ignorance, of what they do not and cannot know by experience.⁷⁰ If reading is a set of technologies designed to correct this ignorance, and to correct it in its many and varied forms, then the use of one style of reading hardly obviates the use of another. On the contrary, it is only when one reads cautiously, both for 'lernynge' and for 'scyence,' that one comes to see the full picture of what we know, and what we do not.

intent'; Landino, *In Quinti Horatii Flacci Artem poetica*, "Praefatio" § IV–V, who says that poets write 'things... which are covered beneath a nearly divine veil [*rerum... quas paulo ante divino velamine involutas*] and that, 'while the other arts proceed by the excellence of human ingenuity [*ab humani ingenii*], the poetic art [*poetica*] alone is gained through divine madness [*divino furore percipitur*]'; and Poliziano, *Panepistemon* 472, who lists 'allegorical narration [*fabula allegorica*] alongside 'ancient history [*historia vetusta*] and 'epic meter [*metro heroico*] as one of the three modes of the 'poetic art [*poetica*]'. Compare Greenfield, *Humanist and Scholastic Poetics* 133–134, 142–143, 180–181, 223, and 266 for discussion.

⁷⁰ See Barclay Alexander, *The Ship of Fools*, ed. T. H. Jamieson (Edinburgh: 1874) 261–262.

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Abbreviations

- MW Caxton, *Mirror of the World*
 PE Caxton, *The Prologues and Epilogues*
 R Caxton, *Reynard the Fox*

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Coexistence and Ignorance: What Europeans in the Levant did not read (ca. 1620–1750)*

Cornel Zwierlein

A history of ignorance, not as a history of the notion of ‘ignorance’, but understood as an historiographical approach with a specific heuristical goal to see and understand what was not known in the past and what functions ignorance had, is always and indissolubly linked to the history of knowns. One cannot assess the functions of unknowns before investigating and measuring, as far as is possible, the scale and the limits of what given actors knew or could have known about a chosen problem at a given time and place. The following contribution investigates the dimensions and functions of reciprocal ignorance between merchants of the European trading empires in the southern Mediterranean ('Levant') cities and their mercantile counterparts, different groups of subjects of the Ottoman Empire around 1700. I confine myself here to the English point of view in the Levant Company's main factories and I concentrate on the question of book ownership and the libraries owned by the Company and its members. The question is not how European merchants interacted with Greek, Armenian, Nestorian, Jacobite, Jewish traders or, less often, with Ottomans and Arabic merchants during their everyday business, and what linguistical skills they either had or lacked. The question does not concern practical knowledge and ignorance, but the level of knowledge and ignorance each side had concerning the history, culture, the political structures, and the written legacy and traditions of the other. One might be tempted to label the former as ‘everyday’ or low-level knowledge/ignorance and the other higher culture, but perhaps this distinction is misleading because both realms have their own complexity. Nevertheless, the assumption is that they were quite distinct and that perfectly mastering everyday mercantile communication, even linguistically, does not necessarily indicate very much about the other level.

* Abbreviations: PRO = The National Archives Kew, Public Record Office; SP = State Papers; BL = British Library; CUL = Cambridge University Library; Bodl. = Oxford Bodleian Library; SOAS = London School of Oriental and Asian Studies; ASV = Archivio segreto Vaticano; AS = Archivio di Stato.

The Levant (or in the early days, the Turkey) Company, first established by Elizabeth's 1586 charter, renewed in 1662, operated in a privileged zone of the Eastern Mediterranean with three main factories at Aleppo, Smyrna and Constantinople (Pera). Other English ('Italian') merchants that were not members of the Company could only operate in the Western Mediterranean, mostly with Livorno as main port of exchange. The English had been very successful in the first decades of the seventeenth century, competing with the Dutch. After the Colbert reforms and the establishment of the Marseille monopoly in 1669, the French caught up. Around 1700, they were the main competitors with the English for the linen and silk trade and other goods, while the Dutch fell slightly back. By 1740 the French had largely surpassed the other European nations, dominating also the carrying trade. In the last quarter of the eighteenth century, due to new competitors and other factors, the situation changed again. Although the Atlantic trade became more and more important for the British during the eighteenth century, one should not forget that the 'southern' trade, mostly the Mediterranean, still represented a third of all import and export in London and the outports until 1750, a proportion not less than the Continental European or the Atlantic trade.¹ The institutional and economic development of the Levant Company was studied thoroughly in the 1930s.² The religious and cultural life of the Company's members' has received less scholarly attention, with the exception of the dense portrait of Paul Rycaut, his life and work in the Company, as drawn by Anderson, along with studies by Hamilton and others that looked into how certain members of the Company contributed to the gradual development of early modern academic Oriental (largely Arabic) studies.³ While Wood drew a picture of merchants gaming,

¹ Davis R., "English Foreign Trade, 1660–1700", *The Economic History Review* 7 (1954) 150–166, here 164–165; Idem, "English Foreign Trade, 1700–1774", *The Economic History Review* 15 (1962) 285–303. For the dominant port of London French C. F., "London's Overseas Trade with Europe 1700–1775", *Journal of European Economic History* 23, 3 (1994) 475–501, here 482.

² Ambrose G. P., *The Levant Company mainly from 1640–1753*, B.Litt. thesis (Oxford: 1932); Russell I. S., *The Later History of the Levant Company*, Ph.D. Dissertation (Victoria University of Manchester: 1935); Matterson C. H., *English Trade in the Levant, 1693–1753*, Ph.D. Dissertation (Harvard University: 1936); Wood A. C., *A History of the Levant Company* (New York: 1964); Davis R., *Aleppo and Devonshire Square: English Traders in the Levant in the Eighteenth Century* (London: 1967); Pennell C. R., *Piracy and Diplomacy in Seventeenth-Century North Africa. The Journal of Thomas Baker, English Consul in Tripoli, 1677–1685* (Cranbury et al.: 1989).

³ Anderson S. P., *An English Consul in Turkey. Paul Rycaut at Smyrna, 1667–1678* (Oxford: 1989); Hamilton A. – van den Boogert M. H. – Westerweel B. (eds.), *The Republic of Letters and the Levant* (Leiden: 2005); Hamilton A., *The Copts and the West, 1439–1822: The European Discovery of the Egyptian Church* (Oxford: 2006); Russell G. A., *The 'Arabick' Interest of the Natural*

bowling, hunting, and even playing tennis, it has been clear for some time that they also spent their time engaging in many other forms of ‘cultural life’. It is likewise clear that they had that time; often, as was customary in Cairo, all trade business was conducted in the morning, the rest of the day remaining for other pursuits.⁴ With the exception of a transcription of one private English merchant library catalogue in the appendix of an unpublished 1932 Oxford B.Litt. thesis and one article from 2011 by White about the music libretti found in Rowland Sherman’s library, no studies of book ownership and the libraries of the Levant Company exist.⁵

If we put exceptional cases such as those major politico-economic players within the European state system, who ascended to nobility and even to territorial lordship (for example, the Fugger and Medici) aside, merchants were generally latecomers among the important book owners and readers as book history has shown for several cities and regions.⁶ Most of those studies concentrated on inner-European settings. More comparable with the Levant Company here might be studies on early colonial libraries and book ownership.⁷ But such a comparison is not the primary goal of this article. In

Philosophers in Seventeenth-Century England (Leiden – New York: 1994); Toomer G. J., *Eastern Wisedome and Learning: The Study of Arabic in Seventeenth-Century England* (Oxford: 1996).

4 Wood, *Levant Company* 241–242.

5 Ambrose, *The Levant Company* xc–xcvii; White B., “Brothers of the String: Henry Purcell and the Letter-books of Rowland Sherman”, *Music & Letters* 92, 4 (2011) 519–581.

6 Martin H.-J., *Livre, pouvoirs et société à Paris au XVII^e siècle (1598–1701)*, 2 vols. (Geneva: 1969) vol. 1, 538: ‘des membres de toutes ces catégories sociales ne détenaient qu’exceptionnellement quelques livres chez eux [...] le marchand n’a normalement pour toute bibliothèque que “ses heures pour prier Dieu et son almanach pour savoir les foires”, vol. 2, 952 (later seventeenth century): ‘dans la plupart des cas, marchands et maîtres de métiers semblent, d’après nos dépouillements, n’avoir point conservé de livres chez eux’; quite the same: Gautier B., “L’Habitat des marchands bordelais au XVII^e siècle d’après les inventaires après décès”, *Annales du Midi* 216 (1996) 505–520, here 518–519. Books in probate inventories were ‘extremement rare’; these findings are nuanced by those of Mellot J.-D., *L’édition Rouennaise et ses marchés (vers 1600–vers 1730). Dynamisme provincial et centralisme Parisien* (Paris: 1998) 418–459, 654–667. About 40% of merchants owned at least one book in the last quarter of the seventeenth century, but only a small number of books compared to clerics and nobles. Among the 350 library catalogues of university colleges, cathedrals and private owners from 1500 to 1640 listed in Jayne S., *Library Catalogues of the English Renaissance* (Berkeley – Los Angeles: 1956/1983), only a very tiny number was of merchants.

7 E.g. Martinez T. H., *Bibliotecas privadas en el mundo colonial* (Frankfurt a.M. – Madrid: 1996); Wolf E., *The Book Culture of a Colonial American City: Philadelphia Books, Bookmen, and Booksellers* (Oxford: 1988); Green J. N., “The British Book in North America”, in Suarez M. F. – Turner M. L. (eds.), *The Cambridge History of the Book in Britain*, vol. 5: 1695–1830 (Cambridge:

any case, there are evidently significant differences between the setting of the Levant Company factories and those of the early settler colonies or of factories and forts in mostly non-literate 'native' cultural environments, such as on the Cape in South Africa for instance. The Europeans in the Mediterranean were immersed in a poly-cultural and multi-ethnic environment under Ottoman overlordship in which the Ottomans themselves were only one group producing and cultivating their own (largely manuscript) book and reading culture, alongside the Greeks, Armenians, Jacobites, Copts, and various groups of Jews and Arabs.⁸ Delineating the profile of the European merchants' reading culture in the Mediterranean and reconstructing its selectivity and its ways to block out other possible readings will thus lead to something different from those aforementioned colonial settings. The significance of not possessing and not reading the writings produced by one's physical neighbours, in other words, the significance of ignorance, was different in the Mediterranean than in many of those colonial settings.

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- 2009) 544–559; Regourd F., "Lumières coloniales: les Antilles françaises dans la République des Lettres", *Dix-huitième siècle* 33 (2001) 183–199; Hayes K. J., *The Library of John Montgomerie, Colonial Governor of New York and New Jersey* (Newark – London: 2000); Robert M., "Le livre et la lecture dans la noblesse canadienne, 1670–1764", *Revue d'histoire de l'Amérique française* 56 (2002) 3–27. In those cases, book ownership was certainly nearly always predominantly European books, as also was the case for the members of the East India Company in India (cf. Fazle Kabir A. M., *The Libraries of Bengal, 1700–1947* (London – New York: 1987). Note, however, the exception of important Oriental holdings acquired around 1800 during the process of territorial colonization of India. For the book ownership of the merchants and the Company itself, see Shaw G., "The British Book in India", in Suarez – Turner (eds.), *The Cambridge History* 560–575; Fourie J., "The remarkable wealth of the Dutch Cape Colony: measurements from eighteenth century probate inventories", *The Economic History Review* 66, 2 (2013) 419–448.
- 8 Without aiming for bibliographical exhaustiveness, let the following suffice: cf. Heyberger B., *Les chrétiens du Proche-Orient au temps de la Réforme catholique* (Rome: 1994) paints a rich picture of the manuscript reading and library culture among the diverse Christian groups in Syria (p. 146). But he still stresses a 'culture avant tout orale' (p. 149). This is confirmed by Aslanian S. D., "Port Cities and Printers: Reflections on Early Modern Global Armenian Print Cultures", *Book History* 17 (2014) 51–93, who addresses the question of media change within the Armenian community, but also reminds us (p. 85 n. 12) that the number of all books ever printed in Armenian is estimated at approximately 1000 editions which would be just 1% of what Central European presses produced during the sixteenth century. For Greek orthodox libraries cf. also Podskalsky G., *Griechische Theologie in der Zeit der Türkenherrschaft (1453–1821). Die Orthodoxie im Spannungsfeld der nachreformatorischen Konfessionen des Westens* (Munich: 1988), index s.v. 'Bibliothek'.

I will concentrate here on a ‘classical’ study of book ownership in three chronological stages (1620/30, 1655/88, 1730/50) and will shape that investigation heuristically from the point of view on the gaps, the absences and the selectivity. But it has to be stated that beyond that question of ‘books’ as they are noted in library and (manuscript) auction catalogues and probate inventories in the Company’s chancery registers, several questions remain open for a wider approach toward reading and information culture and the problems of the related borders between knowledge and ignorance. How, for instance, did the distribution of news develop? Since the sixteenth century, the practice of European produced, copied and read newsletters had spread and developed along the postal routes, but also across the waters, from London to Naples. The printed, first weekly, then daily newspapers followed. To what degree and when did press coverage incorporate the southern Mediterranean port cities and the European merchant colonies under Ottoman rule? Remarks like the following by the voyager John Evans to Lord Paget, the ambassador in Constantinople, suggest by around 1700, Europeans recognized that they were passing an invisible frontier of news production and distribution when they entered Ottoman countries. Constantinople itself was certainly well covered; the flux of newsletters from Constantinople to Venice was already quite stabilized around a four-week rhythm since the 1550s⁹ and accelerated later, enhanced by the bailo, later with separate dispatches from Ragusa (Dubrovnik). At least the European ambassadors and agents profited from a reciprocal flow of information back to Constantinople. But outside the capital, problems of accessibility seem to have started already in Venetian possessions like Corfu. Though linked so closely to its mother city, here one entered a zone of ‘ignorance’ concerning the usual European political court news.¹⁰ In a diary like that of consul Baker

9 The Serenissima regularly published the public part of the *avvisi* (news) from Constantinople that they received from the bailo. Agents, ambassadors and commercial *avvisi* writers could then take copies of that, cf. the regular posting of those Constantinople *avvisi* as early as 1548 by the duke of Mantova’s agent Benedetto Agnello from Venice to Mantova: The delay between sending the *avvisi* and their publication in Venice was usually between 25 and 39 days (AS Mantova AG 1480). Cf. Infelise M., *Prima dei giornali: alle origini della pubblica informazione, sec. XVI e XVII* (Rome 2002) 113. The diaries of Marino Sanuto reveal that, in earlier times the postal connection was far more irregular (between 15 and 81 days), see Sardella P., *Nouvelles et spéculations à Venise au début du XVI^e siècle* (Paris: 1948).

10 ‘I have bin very earnest in my solicitations both to publick & private persons for ye stamped Foglietti of News, I have bin daily promised them but without effect [...] [he only has access to some news in private letters not to ‘Gazetts’] Your Excellency who is so well acquainted with the Solidity of Venetian News will know how far to trust to this. We

at Tripoli/Barbary in 1677–1684, we find no reference to news in that specific form. Only incoming ships, sometimes ‘letters’ brought by those ships, are noted.¹¹ But in 1729, Thomas Shaw, the chaplain of the English nation in Algiers and an important orientalist, historian, geographer and naturalist, wrote to Hans Sloane, the President of the Royal Society and appointed as King’s physician (since 1727), that, returning to Algiers, he had ‘read in the Gazetes, that Her Majesty is labouring at present under that cruel Garment [...]’ which gave him the opportunity to propose the cultivation of the Prickley Pear (*Opuntia*) in the Chelsea Physic Garden which could serve as medicine for the Queen.¹² This seems to suggest some change between Baker’s time and Shaw’s and easy access to English newspapers on the Barbary Coast, but we do not know much about the frequency and regularity at which they might have arrived by ship. Those are isolated observations that formulate a question instead of answering it, but while for the history of the settler colonies it is usual to ask how newspaper distribution and, later, the foundation of local newspapers developed,¹³ for the Mediterranean, this question seems to be less studied beyond the ‘Italian’ Venice/Constantinople nexus.

However, before entering this still more complex matter, let us first concentrate here on the more classical problem of book ownership and libraries, as even on this topic little systematic research exists.

heave abundance of foolish storys here, but, after all our search are in reallity as ignorant of Christian News as if we were still in Turky' (John Evans to Lord Paget, Corfu, 7 July 1694, SOAS Ms. Paget 4/3ii [box 7]). Evans had travelled before across the Peloponnese which was ‘Turky’ for him in this context. The ‘Foglietti of News’ clearly refers to a specific form of Italian printed *avvisi* newsletters that appeared in the middle of the seventeenth century and partially replaced handwritten *avvisi*. They were usually distributed and collected in the same form as their precursors, cf. e.g. AS Modena, Cancelleria, Avvisi e notizie dall'estero busta 142 (seventeenth century) and ASV, Segreteria di Stato, Avvisi 23Aff (several buste with printed *avvisi* after 1654); Infelise, *Prima dei giornali* 79–105.

¹¹ Pennell, *Piracy and Diplomacy*.

¹² BL Ms. Sloane 4051, fol. 156r (s.d., but in fact 10 October 1729 as the content relates to the mailing preserved and dated in BL Ms. Sloane 3986, fols. 47–53). For Sloane as physician of George II cf. Brooks J., *Sir Hans Sloane. The Great Collector and his Circle* (London: 1954) 85; Churchill W. D., “Sloane’s perspectives on the medical knowledge and health practices of non-Europeans”, in Walker A. – MacGregor A. – Hunter M. (eds.), *From books to bezoars: Sir Hans Sloane and his collections* (London: 2012) 90–99.

¹³ Cf. e.g. McClellan III J. E. – Regourd F., *The Colonial Machine: French Science and Overseas Expansion in the Old Regime* (Turnhout: 2011) 446–475.

1 Learned Ignorance: Lewes Roberts' Books, 1626–1629

Aside from the well-known manuscript collection of Paul Pindar, first consul and then ambassador, the earliest well-documented records of considerable book possession in the Levant and by a Levant merchant are probably those for Lewes Roberts (1596–1641). He had done his apprenticeship mostly in Mediterranean commerce between 1615 and 1625, voyaging to Malaga, Algiers, and Tunis and staying longer at Constantinople. He also traded on the Ionian Islands and in Asia Minor, getting to know the factories of Aleppo and Smyrna personally, in addition to many French, Italian and Dutch mercantile cities. A Merchant Adventurer since 1625 and citizen of London since 1626, he had just returned to England when war was declared against Spain, a conflict to be fought mostly in the Mediterranean. He then wrote two major books, the *Merchants Mappe of Commerce* (1638) and the *Treasure of Traffike* (1641). In many respects, they belonged to the tradition of *Ars mercatoria*, but they surpassed that genre by a very reflexive form of an almost proto-Baconian methodological approach to the observation of commercial realities and a geopolitical vision of the link between the forces of trade and the growth of what was as yet an informal empire on a global scale. In these books, that themselves became standard items often found in late seventeenth and early eighteenth century Levantine libraries, Roberts very rarely cited any author because he was largely relying on his own observations and on information apparently gathered from other merchants in London.¹⁴ As he was member of the Merchant Adventurers, the Levant Company (even with the office of husband from 1633 to 1641), the East India Company (with the office of director in 1639/40), and of the French and the Spanish Company in London, he was densely immersed into the London merchant networks and had privileged access to information, for which he explicitly acknowledged the governors of the companies.¹⁵ In his final published book, the *Warrefare epitomized* (1640), a typical Art-of-War book that he wrote as a Captain of the London militia, he

¹⁴ He often noted the exact date when he had been personally in a port city described, Roberts Lewes, *The Merchants Map of Commerce* [...] (London, Thomas Horne: 1700), 65 (Algiers, 1619), 92–94 (Asia Minor, Troy, Smyrna, 1620), 94–95 (Bithynia, 1620), 95–96 (Paphlagonia, Galatia, Angora, 1624, 1630, 1634), 167 (La Rochelle, 1611), 174 (Languedoc, Provence, 1618), 208–209 (Siena, Pisa, 1619), 224 (Netherlands/Haarlem, 1625), 276 (Islands of Zante, Zeffalonia, and Ithaca, 1619, 1624), 278 (Palermo, 1619). I retain the old place names. For other places, he noted no date, but it becomes evident that he had seen them on his own (Aleppo, Constantinople, and other Italian and Mediterranean cities).

¹⁵ Roberts, *The Merchants Map* 272, 294–295.

referred to the authors of classical antiquity (Cicero, Polybius, Tacitus, Livy, Pliny, Caesar, Vegetius) and rarely to some modern authors (François de la Noue). He seems not to have been aware of the more technical and mathematized part of that tradition, reaching from Aelian to Tartaglia.¹⁶ So one could think that his intellectual horizon was exclusively confined to that empirical-practical world of commerce in addition to some basic acquaintance with classical and modern authors. However, he made three successive donations of books to the college library of the still young Jesus College, Oxford, which suggests a surprisingly wider horizon and culture. The first donation was sent from Constantinople in 1624, the second and the third part of the altogether 50 books in 1626 and 1629 from London. It is unclear why he gave them away when he was just re-establishing himself as a merchant in London, and surely the books did not represent his whole library. But while it would be better to be certain about the totality of his book possession, the donations between 1624 and 1629 have the great advantage of making it certain for the first part and highly probable for all that they were the books Roberts had had with him in Constantinople. It is a Levantine library and not just the library of a merchant returned to England who decades later died when the distinction between what was at hand in the Levant and what was later bought is extremely unclear.¹⁷ As always, it is hard to judge how intensively he had read all those books; more information could only be gained by an intensive investigation (far beyond the

¹⁶ Roberts Lewes, *Warfare epitomized, In a Century, of Military Observations [...]* (London, Richard Oulton for Ralph Mabb: 1640). For that genre in general, cf. Fantoni M. (ed.), *Il Perfetto Capitano. Immagini e realtà (secoli XV–XVII)* (Rome: 2001). For the more mathematized forms since the Renaissance cf. Hale J. R., “A Humanistic Visual Aid: The Military Diagram in the Renaissance, *Renaissance Studies* 2 (1988), 280–298. The form of maxims that Roberts chose is close to the Lipsian tradition, but in a somehow vulgarized manner. Cf. for that neostoic theoretical framework of the Dutch military revolution Schwager T., *Militärtheorie im Späthumanismus: Kulturtransfer taktischer und strategischer Theorien in den Niederlanden und Frankreich (1590–1660)* (Berlin: 2012). Before the background of that development, Roberts' text does not distinguish itself. It is the context of the outbreak of the Civil Wars that makes it interesting. He stated in 1640 that a tyrant had to be patiently obeyed—but the idea and option that tyrannicide had been permitted by the Greeks (as recollected by Thomas More, the Vindiciae and Jean Boucher in the sixteenth century) is received (pp. 55–56).

¹⁷ Jesus College Oxford, Archives RE.BE.2, pp. 39–42—the entry is from 1629 but specifies the three successive donations of 22 books in 1624 from Constantinople, of 15 books in 1626 and of 13 books in 1629 from London. I would like to convey my great gratitude to Emma Jones, Jesus College, who provided me with a digital reproduction of those pages, noted already by Jayne, *Library Catalogues* 155.

aims of this article),¹⁸ on possibly existing marginal notes and other traces of use, as it seems that most of the copies are still extant in the Fellow's Library of Jesus College. This is the case also for the first items of the list, three thirteenth century Hebrew manuscripts (a Pentateuch, parts of the Old Testament and Hebrew lectures on the books of Prophets—the liber *Haphtaroth*) that were among the Constantinople dispatch. In his own works, Roberts did not leave any sign of an ability to read or cite biblical Hebrew in medieval manuscripts, so those items are a little bit surprising, but he even included a table of contents in the third of them.¹⁹ Moreover, the last title is a Welsh Communion book. As Roberts was born on the Welsh Island of Anglesey, this points quite likely to him not only as donator but also as possessor and reader of all or most of the books. From his own written works, it is quite clear that he read Latin and several vernacular languages well. While the eleven *Opera* editions in Greek and Latin of the church fathers²⁰ as well as Dionysius (Areopagita?) and Plotin in Greek and Latin are likewise surprising as the possessions of a merchant, he nevertheless might have profited from the Latin translations. There are other vernacular books (Livy, Plutarch, Josephus' *Bellum Judaicum* in French), the works of King James I, La Primaudaye's *French academie* in English (1616), the *Historia de los condes de Barcelona* of Francisco Diago (1603), the *Della nuova geometria libri XV* of Francesco Patrizio da Cherso (1587), and Guidobaldi del Monte's *Mechanicorum liber* (Pisaro 1577) which fit well with his occupations and voyages. The huge collection of church fathers together with some other theological and philosophical works seems then to reveal a religious side of Roberts which would remain hidden if one would judge just from what he left in print and what is documented in the London merchant companies' record. While one has to be careful about presuming that the content of books correspond with the convictions and beliefs of their owner, there seems to be an affinity for and interest in forms of neoplatonic and astrological Christian philosophy²¹ and for a specific form of Catholic apocalypticism aside

18 A longer study of Lewes Roberts would be very desirable. The best recent contribution is by Gauci P., *The Politics of Trade. The Overseas Merchant in State and Society, 1660–1720* (Oxford: 2001).

19 Cf. Jesus College Library MSS. 95–97, 'In initio codicis [sc. 97] descripta est tabula contentorum manu Lud. Roberts, dat. Constantinopol. 1624.' (Coxe H. O., *Codicum MSS. qui in collegiis aulisque Oxoniensibus hodie adservantur* (Oxford: 1852), pars II, [separate pag. for Cat. cod. MSS. Collegii Jesu] 34).

20 Athanasius, Basilius, Gregor Nazianzenus, Origenes, Eusebius, Theodoret, Justin Martyr, Gregor Nissenus, Isidor, Damascenus, Cyril of Alexandria and Jerusalem.

21 Colle Giovanni, *De idea et theatro imitacri et imitabilium ad omnes intellectus, facultates, scientias et artes libri aulici* (Pesaro, Flaminio Concordia: 1617), stemming from

from more classical Calvinist-Anglican theology²² that was linked to global trade empire competition and indigenous missionary activity.²³ In his own writings, he defined himself very clearly and proudly as an agent of an expanding trade empire; there are probably not many texts in the 1630s that define more authentically that vision of English imperial outreach into the world from the point of view of the major actors, the merchants. There, however, his language remained restricted to secular forms and arguments. However, a comparison between the indicators of his book possession and the later development of the link between the Levant Company's members in the Mediterranean and the better-documented efforts of religious practice and embryonic forms of Anglican mission offers an intriguing observation. There seems to have been a second layer of this early imperial mindset, separated in an 'Erastian' way from the language of his merchant publications: Here, apparently, he defined himself as an agent of the church and of the kingdom of

the court culture of Francesco Maria II della Rovere, Duke of Urbino, amalgamates all academic disciplines and para-academic forms of learning into one compendium with strong parts on astrology and a mixture of neo-Aristotelism and neo-Platonism as its framework. Tommaso Contarini, *Librorum de humana tranquillitate Aeneas una* (Venice, Grazioso Percacino: 1572) is a philosophical contemplative work mixing neo-Platonism with the *prisca theologia* tradition (Zoroaster, pseudo-Hermes Trismegistos reception); Del Monte's *Mechanicorum liber* is also helpful for astronomy/astrology, not only for purposes of geometrical measurement; Francesco Patrizi was also a neo-Platonist. Arrighi Paolo, *Perutilis tractatus de bonitate principis [...]* (Florence, Giorgio Marescotti: 1578) is a neo-Thomist mirror of princes for Francesco I de' Medici.

²² Peter Martyr Vermigli's *Loci communes*, probably the edition (Heidelberg, Daniel and David Aubry – Clemens Schleich: 1622), Polansdorf Amandus Polanus a, *Syntagma theologiae* (Geneva, Pierre Aubert: 1612).

²³ He possessed an edition of the curious work, Lumnius Johann Friedrich, *De extremo Dei iudicio, et indorum vocatione libri II* (Venice, Domenico Farri: 1567). The author, pastor of the Begijnenhof in Antwerp, interpreted ecclesiastical time in a reversed parallel to Lutheran apocalypticism, in which the prophet Luther revealed the Antichrist. Lumnius regarded Luther as the last (negative) precursor of the Antichrist and, therefore, the last judgment was close. Given that perspective, missionary work had to be done, with the 'Indians' (Lumnius did not always distinguish clearly between the West and East Indies, but he mostly referred to the Americas) being the last people that could and should be converted. In scholarship, he is largely known as the originator of the 'lost tribe theory' holding that the Indians were descendants from Jews dispersed in the world. The work of the Antwerp Jesuit Scribani Carolus: *Civilium apud Belgas bellorum initia, progressus, finis optatus* (s.l.: 1627), especially the appendix *Reformata apocalypsis batavica*, draws a picture of European and global competition between the confessionalized trading empires in an apocalyptic framework.

Christ to be expanded, as having the duty of propagating the Christian faith abroad in addition to his primary occupation, ‘just doing trade’. He would not be the only one with such an attitude that blended early imperial national competitiveness with confessionalism in that region. It was present also, for instance, in the contemporary plans and counseling texts to conquer Morocco by John Harrison, working for the Barbary Company and the crown.²⁴ But no matter how one interprets Roberts’ book possession in detail, it clearly shows an exceptionally learned Levant merchant at the fringe of being a member of the Republic of Letters as some decades later famous merchant authors ranging from John Graunt to Nicolas Barbon to Josiah Child were as well. But the Hebrew manuscripts aside, Roberts’ donation contained no ‘Oriental’ item: neither a book in any Oriental language (Arabic, Turkish, Copt, Syriac or other manuscripts), nor with content relating to the Orient—except the ancient authors and church fathers. This, indeed, seems to be representative for merchant culture in the following decades.

2 Ignoring the Orient, Part II: The Levant Company’s Library in Aleppo

The oldest ‘institutional’ library of the Levant Company was that in Aleppo. It seems that the Company decided around 1650 that its central factory in that city needed a library. The Company’s Register for 1648 to 1688 contains an entry with 51 titles and their prices, together worth £50, that Robert Frampton, newly elected to the chaplaincy of that factory in 1655, should ship to Aleppo.²⁵ The

²⁴ Cf. John Harrison, ‘A Proposition to his Majesty and the State Renued by John Harrison late Agent from his Majesty into Barbarie’, PRO SP 71/1, fol. 493r: ‘As the State now standeth the daungerous or rather desperate estate of Gods Church at this daies the house of Austria being growne soe stronge, & the princes of the Religion soe weake, there is noe other waie in all outward appearance to divert him (the Spaniard i meane) from making himselff an absolute Monarch over all the world [...] but by assaultinge him on his owne coast & first to take Mamora on the coast of Barbarie from him [...]’, cf. Matar N., *Britain and Barbary, 1589–1689* (Gainesville et al.: 2005) 42f. and passim on Harrison’s Calvinist imperialism.

²⁵ PRO SP 105/144, fols. 71v–72r. The entry is not dated, but it is placed between one of 1651 and the next of 1656 and Frampton set off to Aleppo in 1655, so it is highly probable that he was charged with buying the books on behalf of the Company and taking them with him on the ship to Aleppo.

titles are found again in the 1688 catalogue of the library,²⁶ so it is clear that those books were destined for the factory's library and not for private merchants' libraries. They were probably its founding consignment, as we read of no institutional library in Aleppo before. Robert Frampton (1622–1708) received his B.A. from Christ Church (Oxford), in 1641. His appointment as chaplain was sponsored by Sir Daniel Harvey. He served in Aleppo from 1655 to 1667 and later became Bishop of Gloucester in 1680, belonging then to the conservative side of the non-juring bishops after the 'Glorious Revolution', when, in 1691, he was deprived of his office by the king.²⁷ This was long after his service in Aleppo, but it is absolutely consistent with a general characteristic of the Company's chaplains, a majority of whom were High Church conservatives, with many of them having served before 1688 in the Levant and then later becoming non-jurors after their return to England.²⁸ Unlike the French system, in which the protection of the Catholic ('Christian') faith by the ambassador and consuls as representatives of the French King was a formal element of the French capitulations with the Porte, which was also part of the consul's everyday work continuously reported to Paris/Versailles,²⁹ the religious and 'cultural' functions were less well defined in the English system. Neither the first nor the renewed charter of the Levant Company contained a paragraph on chaplains.³⁰ The instructions from the governor of the Company to ambassadors and consuls when they were sent into the Levant enumerated many points on trade politics and concerning the competencies of criminal justice, but very rarely touched on religion and 'culture'. Only late, after the Glorious Revolution, in the royal instructions for the ambassador, different from the Company's own instructions, do we find the protection of religion mentioned, which shows that, following the Anglican concept of the King as head of the Church, this remained a

²⁶ 'A Catalogue of the Library belonging to the English Nation at Aleppo, taken in the yeare of the Lord 1688', PRO SP 105/145, p. 157–164.

²⁷ Cornwall R. D. in Oxford National Dictionary of Biography, article 10061, accessed August 2015: He was deprived from his office along with the other non-juring bishops in 1691, cf. Spurr J., *The Restoration Church of England, 1646–1689* (New Haven – London: 1991) 84, 94, 229; Overton J. H., *The Nonjurors. Their Lives, Principles, and Writings* (London: 1902) 69–74.

²⁸ Zwierlein C., *Imperial Unknowns: The French and British Empires in the Mediterranean, 1650–1750* (Cambridge, Cambridge University Press: 2016) chapter 2 ('Religion').

²⁹ Ibidem, and Heyberger, *Les chrétiens* 241–273.

³⁰ A remark already made by Pearson J. B., *A biographical sketch of the Chaplains to the Levant Company, maintained at Constantinople, Aleppo and Smyrna, 1611–1706* (Cambridge: 1883) 8.

royal prerogative not delegated to the Company.³¹ But the chaplain was elected by the general court of the Company whereby the merchants showed their belief in the need for worship and religious support in their factories. Some rare cases show the involvement of the merchants themselves—and not the chaplains—as conscious representatives of their confession in the Levant,³² largely in opposition to the Catholics despite there usually being an overarching sense of common Christianity between the French and the English, their rivalry in trading affairs aside. As the customary right that every major factory received a chaplain solidified, the establishment of factory libraries, obviously first conceived of as a support for the chaplain's work and then for the whole community of merchants, was a later development without any firm legal or contractual basis.

The first titles Frampton bought for the factory's library were exclusively theological in character. Only four of them were printed in the sixteenth century, all the others were seventeenth century editions. It therefore seems that they were freshly bought in London. That original stock of the library betrays a continental European character as the majority of the books were printed in Cologne, Mainz, Geneva, Paris, Lyon, some in the Netherlands and only a moderate, but not overwhelming, proportion in London, Cambridge and Oxford. It bears thus the stamp of typical sixteenth century English inventories of book possession which shows how the import of books from the Continent was of greater importance, specially for voluminous editions of major theologians and church fathers, than their own printings.³³ This changed after the

³¹ They were copied into the Company's registers, cf. PRO SP 105/144 and 145 for the second half of the seventeenth century. Note the paragraph 'In all the time of your residence there you must be carefull to maintaine a good Correspondence with all the Ambassadors and Agents of Christian Princes, especially with those that shall be in a nearer degree of Amity & alliance with us, embloying your selfe likewise towards the good of all Christians in generall, of what Nation, degree, quality or opinion soever they be, and more particulary [sic] those of the Reformed Religion that shall desire your protection, endeavoring to procure them Justice and fitting favour upon all occasions wherein they shall apply to you.' (Instruction of King William to Sr. William Trumbull, 5 August 1689, PRO SP 105/145, pp. 153–156, here 153).

³² The factor John Purnell gave an account of an interrogation he conducted with an Italian servant of the company, examining his Venice imprint Italian Bible—the second command of the Decalogue was missing and the tenth divided into two—and claimed to have convinced him to convert to Protestantism by revealing those errors (letter to Lord Paget, Smyrna, 11 March 1696/7, SOAS Ms. Paget 4/27ii [box 5]).

³³ Leedham-Green E. – McKittrick D., "Ownership: private and public libraries", in *The Cambridge History of the Book in Britain*, vol. 4: 1557–1695 (Cambridge: 2002) 323–347, here 327.

establishment in Aleppo. A comparison with the 1688 library catalogue shows that it grew quite quickly, but now the great majority of the books was printed in London, Cambridge or Oxford, and nearly all were printed during the seventeenth century; not all, but many after the 1655 point of Frampton's first shipment. After the English printing locations, next come Venice, Rome, Paris, Leiden, but almost no more publications from Central Europe. This means that the Mediterranean library bore the imprint of the Levant Company's central link to the port of London and to the other major city with printing workshops that was able to feed the Mediterranean demand, Venice.³⁴ All other publication venues probably mostly came to be represented in the library through intermediate trade with those two major port cities. This is a first and strong indicator for how that library truly represents 'English' culture and character in the Ottoman port of Aleppo.

That evolving character of the library and the collective theological horizon it represented becomes even more evident if one considers the authors and the theological schools represented. In Frampton's 1655 carriage, perhaps surprisingly, among 51 theological titles, only six were by English divines: Lancelot Andrewes (1555–1626),³⁵ John Davenant (1572–1641),³⁶ Arthur Hildersam (1563–1632),³⁷ Arthur Lake (1567–1626),³⁸ John Prideaux (1578–1650),³⁹ and Edward Reynolds (1599–1676).⁴⁰ One might add the (temporary) immigrants Peter Martyr and Isaac Casaubon. While those English divines represented mostly the homiletic practical work of preaching, the rest of that shipment contained church fathers (Augustine and Hieronymus in Erasmus' edition, John Chrysostomos in the Eton edition by Henry Savile, Clement, Cyprian in the edition by Jacobus Pamelius, Tertullian in the edition of François du

³⁴ What Machet A. "Le marché italien", in Martin H.-J. – Chartier R. (eds.), *Histoire de l'édition française* (Paris: 1984) 363–369) writes for the French book trade in and via Venice based on the Venetian archival records can be transferred to the situation for books in other languages.

³⁵ Andrewes Lancelot, *XCVI. Sermons* [...] (London, Richard Badger: 1641).

³⁶ Davenant John, *Expositio epistolae D. Pauli ad Colossenses* [...] (Cambridge, Thomas and John Buck: 1627).

³⁷ Hildersam Arthur, *CLII Lectures upon Psalme LI* [...] (London, George Miller for Edward Brewster: 1635).

³⁸ Lake Arthur, *Sermons With some Religious and Divine Meditations* [...] (London, William Stansby [et al.] for Nathaniel Butter: 1629).

³⁹ Prideaux John, *Viginti-duae Lectiones de totidem religionis capitibus* [...] (Oxford, Henry Hall for Henry Cripps [et al.]: 1648).

⁴⁰ Reynolds Edward, *Three treatises of the Vanity of The Creature, The Sinfulnesse of Sinne, The Life of Christ* [...] (London, Felix Kingston for Robert Bostock: 1632).

Jon, the letters of Ignatius and Barnabas in the Vossius edition).⁴¹ The systematic works, the biblical commentaries and even the church histories were overwhelmingly Catholic, with only a few Calvinists represented: Thomas Aquinas, Petrus Lombardus, Baronio's *Annales ecclesiastici*, Martinus Becanus, Roberto Bellarmino, Willem van Est, Leonhard Lessius, Jean de Lorin, Juan de Maldonado, Francisco de Mendoza, Benito Pereira, Francisco de Toledo, Paolo Sarpi's *Historie of the Council of Trent* in English, Gregory Sayrus, in other words, a largely neo-Thomist and strongly Jesuit collection. On the Calvinist side were Beza's annotations to the New Testament, Isaac Casaubon, Daniel Chamier, Simon Episcopius, Augustin Marlorat, Peter Martyr, André Rivet, and Theodor Spanheim. With the exception of Peter Martyr, not one of the major sixteenth century Reformation figures was present in 1655, no Calvin, no Zwingli, Bucer, Bullinger, no Luther nor Melanchthon. In 1688, Calvin was present, but otherwise this seventeenth century picture remained unchanged. The Lutherans were represented only by Martin Chemnitz, Heinrich Möller (but in a Geneva reprint) and mostly by the systematic compendium of Johann Gerhard.

Acquired and shipped in 1655 under the Protectorate, this was decidedly no Puritan library. Research on the content of the average libraries of English bishops during the first half of the seventeenth century has shown that it was common to possess such a combination of church fathers with Thomas and some controversial Catholic work, Bellarmine always leading the list. The selection of Protestant reformers, however, was usually quite different: 'Bucer, Bullinger, Calvin, Melanchthon, Walther and Zanchius appear more frequently in these collections [sc. of smaller average diocese or bishop's libraries] than Bèze, Brenz, Hespinianus, Luther, Musculus, Oecolampadius, and Vermigli'.⁴² For a Puritan library, this would have been very different; one would expect Perkins, much of Calvin, Beza, much of the Huguenot theologians before and after Mornay, and many Dutch theologians. What was shipped to Aleppo was very scant in terms of sixteenth century reformers in general, and the Calvinist-reformed works of bible commentaries and systematic theology

⁴¹ This edition was a first important step in a seventeenth century dispute about the Ignatian letters which usually served to support a (moderate or strict, depending on the exegesis) episcopal interpretation of early church history. Already by the late first century, the Church had a fully established hierarchy and distribution of bishops, cf. Quehen H. de, "Politics and Scholarship in the Ignatian Controversy", *The Seventeenth Century* 13, 1 (1998) 69–84; Spurr, *Restoration Church* 138–143. Several chaplains, like Huntington, continued searching for new manuscripts of the Ignatian letters to possibly support a better understanding and new readings in desired directions.

⁴² Pearson D., "The Libraries of English Bishops, 1600–40" *The Library* 6th ser. 14 (1992) 221–257, here 228.

simply represented the mainstream. This choice of the books rather shows the desire to have the latest huge compendia and Bible commentaries at hand, and from a moderate Protestant, sometimes even Jesuit, point of view. Earlier commentaries on the Bible (like those of Bucer, Calvin etc.), whose date of composition made them 'outdated' in 1655, were not included by way of normative selection and the construction of a reformed tradition as would have been the case for a more straightforward Calvinist-Puritan or even further 'left-wing' choice. The six chosen seventeenth century English divines confirm this characteristic of Frampton's selection. With Andrewes he chose the major late Elizabethan and Jacobean bishop-theologian who, while being denounced for controversial writings against Bellarmine during affairs revolving around the oath of allegiance, even opened the door for a partial reception and dialogue with Catholic doctrinal theology. With Lake and Davenant he chose the major representatives of the English moderate Calvinist solution of 'hypothetical universalism' at the Synod of Dordrecht between Arminians and Remonstrants. Hildersam is the only nonconformist in the group, but is only present with sermons, not with controversial or systematic work. Prideaux was a royalist even in the 1640s, and the only divine still living in 1655. Reynolds, however, was the moderate Presbyterian who mediated between the Cromwellian government and the university theologians after 1649. He later went on to actually be accepted as negotiator by the Crown at the beginning of the Restoration and was even named a royal chaplain and later nominated as Bishop of Norwich. One could not have chosen more carefully dead but hardly attackable authors or living but moderate writers if one wanted to build in 1655 a non-Puritan, non-Cromwellian library under Cromwell.⁴³

43 As projecting from the authors and books to the 'mentality' of chaplains and merchants in Aleppo is certainly problematic, let those short characterizations suffice along with a few references to Milton A., *Catholic and Reformed: The Roman and Protestant Churches in English Protestant Thought 1600–1640* (Cambridge: 1995) 16 (Andrewes, Willet), 52, 288–289 (Trent in English thought), 304, 326 (Prideaux); Patterson W. P., *King James VI and I and the Reunion of Christendom* (Cambridge: 1997) 196–219 (early interest in the Greek Orthodox Church, Lucaris with the literature after Trevor-Roper and Hering), 260–292 (Synod of Dort); Lake P., "Lancelot Andrewes, John Buckeridge, and Avant-Garde Conformity at the Court of James I", in Peck L. L. (ed.), *The Mental World of the Jacobean Court* (Cambridge: 1991) 113–133 (for the characterization of Andrewes' middle position as proto-Arminian); Moore J. D., *English Hypothetical Universalism: John Preston and the Softening of Reformed Theology* (Grand Rapids – Cambridge: 2007) 173–213 (for the line from Ussher to Davenant and Preston concerning the redemptory act and effect of Christ's salvation, hypothetically universal not only for the elected, but also for the reprobate).

The extant records do not allow us to be absolutely certain that all books printed earlier than 1655 and listed in the 1688 catalogue, and that were not on Frampton's list, arrived in Aleppo after 1655. Some could have already been in Aleppo or have belonged to private men and were later donated to the newly founded central library. Nevertheless, it is clear that the English theological character of the library became prominent within thirty years. While only a few continental authors and texts came into the library's possession in this period (Arminius, Mornay, Ursinus, the decrees of the Council of Trent, Francisco Suarez, the English recusant edition of the New Testament printed in the English college at Reims),⁴⁴ many works by divines of the Church of England entered its catalogue. These included the founder of Concord/Mass., Peter Bulkeley (1583–1659), the Cambridge Concordance, Joseph Caryl (1602–1673), the *Eikon Basilike*, Foxe's Acts and Monuments, Thomas Goodwin (1600–1680), William Greenhill (1597/8–1671), Joseph Hall (1574–1656), Henry Hammond (1605–1660), Daniel Heinsius, Homilies of the Church of England, Thomas Horton (–1679), King James *Apophthegmes*, John King (1559–1621), Edward Leigh (1602–1671), Henry More (1614–1687), Edward Pococke (1604–1693), John Preston (1587–1628), Robert Sanderson (1587–1663), Richard Rogers (1550–1618), Alexander Ross (1591–1654), Richard Sibbes (1577–1635), Jeremy Taylor (1613–1667), Samuel Torsell (1605–1650), John Weemes (1579–1636), John (1570–1615) and Francis White, and Andrew Willet (1561/2–1621). The choice of these divines is a little less strictly moderate or conservative as Frampton's original selection was, but there are still no real 'left-wing' authors, Levellers or similar writers represented. Instead, of 28 English divines, we find that ten had been royal chaplains or tutors to the royal family's children and at least seven bishops. Nearly all of these authors, as usual, were educated either at Oxford or Cambridge, and many of them were also famous preachers and readers in Cambridge and Oxford. This means they were very probably the Levant Company's chaplains' own preaching teachers, as those chaplains were likewise educated overwhelmingly at Oxford or Cambridge. Nonconformist and Parliamentarian divines are not represented at all by controversial or polemical work concerning the problematic theological positions, but instead by sermons, exegetical and devotional works (Goodwin's *Christ set forth*, Greenhill's exegesis on Ezekiel, the sermons of Horton, and Caryl's

44 On the 1582 Reims New Testament translated by Gregory Martin at the English College at Douai and supported in Reims by William Allen (who was to be created cardinal in 1587), cf. Walshaw A., "Unclasping the Book? Post-Reformation English Catholicism and the Vernacular Bible", *Journal of British Studies* 42, 2 (2003) 141–166.

exegetic work on the Book of Job).⁴⁵ Horton, in his huge volume of sermons for instance, always remained close to the Biblical text, stating theological positions only positively, and never mentioning concrete modern opponents. The definitions of church and points of doctrine were reduced to the essential (the church as community of believers, each having a contract with Christ), with no comments on the problematic episcopalism or state/church relationship.⁴⁶ In contrast, for instance, the library held the 1620s sermons of Robert Sanderson, who was attending in 1648 loyally king Charles on the Isle of Wight. These homilies are highly controversial and polemical, certainly anti-Arminian, but also anti-nonconformist, positively referring to Aquinas and openly condemning all contemporary opponents.⁴⁷ The books that were pioneers in the martyrisation and heroification of King Charles, such as Symmonds' *Vindication of King Charles* (1648), which paralleled his sufferings with those of Jesus Christ and the *Eikon basilike*, were also present in Aleppo. The latest systematic compendium of church doctrine found in Aleppo, Edward Leigh's *A systeme or Body of Divinity* (1654) was written by a man who was elected to the Parliament and at first anti-royalist, but who then opposed the regicide and was imprisoned by the New Model Army. He disappeared from public life after the Restoration, but in his *Body of Divinity* he openly defended the primitive institution of the episcopacy *de jure divino* against Presbyterianism and independents as the oldest 'monarchical' against aristocratic or democratic forms of church government.⁴⁸ In this he was far clearer than the other earlier English doctrinal system existent in Aleppo, Andrew Willet's *Synopsis papismi*. Willet strongly refuted Presbyterianism during his lifetime, but in his *Synopsis* he also denied the divine institution of the episcopacy.⁴⁹ A closer look at the books by English divines present in Aleppo thus shows that the widening of

45 Goodwin Thomas, *Christ set forth [...]* (London, for Robert Dawlman: 1642); Greenhill William, *The Exposition of the five first chapters [...] of Ezekiel* (London, Matthew Simmons for Benjamin Allen: 1645); Idem, *The Exposition continued upon the Nineteen last Chapters of the Prophet Ezekiel [...]* (London, for Thomas Parkhurst: 1662); Caryl Joseph, *An exposition with Practicall Observations continued upon the Fifteenth, Sixteenth, and Seventeenth Chapters of the Book of Job [...]* (London, Matthew Simmons for John Allen: 1654).

46 Horton Thomas, *One hundred select Sermons upon several texts [...]* (London, for Thomas Parkhurst: 1679) 344, 371, 429, 447.

47 Sanderson Robert, *Ten Sermons preached I. Ad Clerum 3. II. Ad Magistratum 3. III. Ad Populum 4* (London, for Robert Dawlman: 1627) – strongly polemical right from the beginning, cf. 334–335.

48 Leigh Edward, *A systeme or Body of Divinity [...]* (London, Abraham Miller for William Lee: 1654) bk. vi, ch. 2, 3, p. 454–469.

49 Cf. Milton, *Catholic and Reformed* 16.

the spectrum of included *persons* beyond the moderate and conservative initial choice of Frampton did not mean the inclusion of a different theology. The doctrinal positions that someone using the Aleppo library could positively support as the Company's chaplain were clearly of a royalist-episcopal character, and it was as such already under the Protectorate. More cannot be said, as, certainly, the books present in Aleppo were open to different readings and interpretations ranging from Calvinist, to Arminian and even crypto-Catholic. But the close overlapping of former chaplains with later non-jurors shows that the conservative theological character of the Levant Company's library holdings is also consistent with post-1688 developments.⁵⁰

The non-theological content of the library consisted of many classical authors, historical works (de Thou, Somner, Machiavelli's *History of Florence*, Cambden), some more practical items related to merchant interests, some works of poetry, vernacular and political philosophy (Lodovico Dolce, Guicciardini, Lipsius: *De Constantia*, Boccalini), in addition to some medical (Cogan, Culpeper) and geo/cosmographical works (Heylin, Ferrari, Botero, De Bry). These might deserve further reflections in comparison with the content of private merchant libraries. But for the questions raised here concerning the selectivity rather than the fields covered by the book ownership in the Levant, the restriction to theological content—serving the primary function of the chaplaincy—helps to characterize these forms of selectivity more clearly.

There were very few titles with a certain 'oriental touch'. Most of those were works that had been produced in England in a collaboration between the chaplain network and early Arabist and Oriental studies. The Walton Polyglot Bible (1657)⁵¹ was present in Aleppo in 1688 and it was also the first precious donation from the governor of the Company to the chaplain John Luke when he began to establish a library in Smyrna in 1666,⁵² following the example of Aleppo. We also find Grotius' *De veritate Religionis Christianae* in an Arabic translation by the former chaplain and great Arabist Edward Pococke. Returning from his second journey to the Levant, he met Grotius in Paris in 1641, received his

⁵⁰ For the non-jurors in general cf. Overton, *The Nonjurors*; for a synthesis of the theological positions Cornwall R. D., *The Constitution of the Church in High Church Anglican and Non-Juror Thought* (Newark – London – Toronto: 1993). For the link between non-jurors and the Levant chaplains Zwierlein, *Imperial Unknowns*, chapter 2.

⁵¹ Toomer, *Eastern Wisdome* 202–210; Barker N., "The Polyglot Bible", in Barnard J. – McKenzie D. F. (eds.), *The Cambridge History of the Book in Britain*, vol. 4: 1557–1695 (Cambridge: 2002) 648–651, here 648 ('arguably the most distinguished as well as substantial product of the British press in the century').

⁵² Pearson, *Chaplains* 32.

permission and translated the work which was then only published in 1660.⁵³ Instead of an Anglican catechism, the library possessed an Arabic translation of Bellarmine's Catholic catechism, printed in 1627 in Rome by the typography of the congregation *De Propaganda fide*.⁵⁴ The Aleppo library owned William Seaman's *Turkish Grammar* (in latin, 1670), perhaps the most widely distributed English Orientalist text in the Levant merchant libraries, as well as the Arabic Grammar of Matthias Wasmuth (1654), Rycaut's *Present State of the Ottoman Empire*, the *Political Reflexions upon the Government of the Turks* (1656), and Busbecq's Letters, a standard book read and used by diplomats for an introduction to the manner and ceremonies of the Ottoman court, as described by an earlier diplomat. But this is all. An enumeration what a library does *not* contain makes no sense as such, being close to infinity. But in light of what research concerning European interactions with the Ottomans and Ottoman subjects might sometimes suggest, it might be exceptionally helpful to dwell on some of those absences. The library obviously did not contain any manuscript in any Oriental language.⁵⁵ It did not hold any work and translation of the well-known European Arabists and Orientalists, such as Bedwell—not even his *The Arabian Trudgman*—, Golius, Erpenius, Hottinger, Ludolf, and Galland, nor of any other specialized Orientalist. Besides the translation of Grotius just mentioned, Pococke was represented only as Hebraist with his biblical commentaries on the books of Micah and Malachi. However, for instance, his famous early contribution to the beginning of the European study of Arabic history as opposed to only language and grammar or works useful for religious studies, his *Specimen historiae Arabum*, was present neither in Aleppo, nor in the other two factory libraries nor in any of the English merchants' libraries whose inventories I could study.⁵⁶ Some names which are common within the history

53 Cf. for the Toomer, *Eastern Wisdome* 145–146, 215–218.

54 Bellarmino Roberto, *Dichiaratione più copiosa della Dottrina Christiana [...] Tradotta di lingua Italiana in Arabica* (Rome, Stamperia della Camera Apostolica: 1627). This was translated by the Maronite scholars Vittorio Scialac and Gabriel Sionita and first published in 1613, cf. Kleinhans A., *Historia Studii Linguae Arabicae et Collegii Missionum* (Florence: 1930) and Pizzorusso G., “Les écoles de langue arabe et le milieu orientaliste autour de la congrégation *De Propaganda fide* au temps d'Abraham Ecchellensis”, in Heyberger B. (ed.), *Orientalisme, Science et Controverse: Abraham Ecchellensis (1605–1664)* (Turnhout: 2010) 59–80, here 70.

55 There is only one manuscript mentioned ('Captaine Woods Journall M.s. fol.') which shows, *e contrario*, that the scribe that drew up the catalogue would have noted other manuscripts.

56 See below n. 155.

of early Oriental studies, such as Lancelot Andrewes, Alexander Ross and John Prideaux, were present in Aleppo, but only through their theological work.⁵⁷

This does not mean that the famous Orientalist chaplains of the Levant Company were not doing what we know they did, diligently collecting a huge number of Oriental manuscripts which they brought then back to England, mostly to the Bodleian at Oxford.⁵⁸ But a short note on the library by one of the greatest scholars of seventeenth century English Oriental studies and their link to the Levant shows some of the more suggested than proven relationships between the book culture of the merchant nation in the Levant and Oriental studies:

The factory of the Levant Company in Aleppo was conducive to study. It had a sizeable library, containing 228 volumes in 1688, and the chaplains had ample time to devote to research, to exploration and to collecting manuscripts and other antiquities. Some of the first English collections of Arabic and Syriac manuscripts were made by men who had worked at Aleppo: by Paul Pindar, consul in Aleppo from 1606 to 1610 before being appointed ambassador to Constantinople, and by the chaplains, Robson, Pococke, Frampton and, above all, Robert Huntington.⁵⁹

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- 57 Lancelot Andrewes is known as one of the earliest promoters and sponsors of Oriental studies in England, protecting and supporting, among others, William Bedwell (cf. Hamilton A., *William Bedwell the Arabist, 1563–1632* [Leiden: 1985]), but his 96 *Sermons* (1641), present in Aleppo, has no link to those activities. John Prideaux learned Arabic from Mathias Pasor in 1625 (Toomer, *Eastern Wisdome* 98), but his very erudite *Vigintiduae Lectiones* (1648), also possessed by the Aleppo library, containing speeches held on the occasions of doctoral and baccalaureate graduations at Oxford, are marked by their significant use of Hebraist and Greek scholarship for biblical exegesis and interpretation of church history, even of the science of Egyptians in the tradition of the *prisca theologia*, but they betray no use of Arabic. Alexander Ross is usually known as editor of the English Alcoran translation published in 1649, but this was done from a previous French translation, not from the original (Toomer, *Eastern Wisdome* 200, n. 54). His *Pansebeia* (1653) held in Aleppo, an overview of the world's religions then known, uses only European authors as sources, such as Knolles, Camerarius, Giovio and others for Morocco and the Ottoman Empire.
- 58 Wakefield C., “Arabic Manuscripts in the Bodleian Library: the Seventeenth-Century Collections”, in Russell, *The ‘Arabick’ Interest 128–146*.
- 59 Hamilton A. “The English Interest in the Arabic-Speaking Christians”, in Russell, *The ‘Arabick’ Interest 30–53*, here 43. The information on the number of the library’s books is taken from Wood, *Levant Company* 242–243 with n. 9.

The establishment of the library postdates in fact the times of Pindar, Robson and even Pococke, but most of all, its content seems to have been far less related to the *orientalist* occupations of the chaplains—as the paragraph above suggests—than with their main religious function in the Levant. The chaplains must have also used and read those manuscripts collected in the Levant at some point, but there is extremely scarce evidence of any influence of what they read and collected on the culture lived and practiced by the merchants in the European merchant colonies. And Huntington himself, for instance—while searching for manuscripts of the Samaritans, the Ignatian letters, and Oriental manuscripts—in his function as chaplain was mostly concerned with using translations like that of Grotius for missionary purposes in competition with the Catholic orders in the Levant. He and his followers in the last quarter of the seventeenth and first half of the eighteenth centuries wanted to present Anglican content to Arabic-speaking and Greek Orthodox Christians, but there seems to have been very little or next to no ‘content flow’ in the other direction, that is, information concerning the local community’s own culture in the port cities. At least until now, no account of Pococke studying and instructing Englishmen in the Levant with the content of the manuscripts he had gathered has ever come up. All major works of Oriental scholarship, the editions and partial translations that appeared during the seventeenth and eighteenth centuries were, in the end, academic products of Oxford, Cambridge, and Leiden, detached physically from the Levant, either being completely ‘armchair’ products or being composed long after the authors’ return from the Orient. If one studies how those early Orientalists worked, one recognizes that the writing process was overwhelmingly, if not completely, done in Europe, such as Ockley traveling to and sitting in the Bodleian for his long studies for the *History of the Saracens* (1718), the only early eighteenth century work that contributed new elements to Pococke’s *Specimen* for that period of early Arabic *history*, written in the vernacular. Even Thomas Shaw, who had lived for so long on the Barbary Coast did not start writing his *Travels* before his return to England, and it still took him nearly a decade. We even know from comparing his letters with his printed work that the editions of ancient and other authors he used in his small personal library in Algiers were different (and worse) than those he consulted while actually preparing his book. Only when the Barbary Coast traveller had re-transformed into the Oxford armchair scientist, did he produce a work that really was superior—in contemporary terms—to prior works, and he used even more Bodleian sources for that than his own ‘authentic’ findings.⁶⁰ This is certainly a contrast to the results only gained by direct examination in

60 Cf. for both examples Zwierlein, *Imperial Unknowns* chapter 3 ('History').

early scientific expeditions—for instance, the measurement of the pyramids since Greaves and of other ancient monuments like the race to Palmyra, epigraphical work etc.—, but this has, again, far more to do with European interests, usually in the pre-Arabic past, and far less regarding cultural exchange and learning about recent or ‘medieval’ history and the development of the constitutions of and in those regions and of their local co-habitants, trading partners and the Ottomans who ruled there.

We also do not possess many texts produced by the chaplains in the Levant itself, except for letters sent back or exchanged between the factories and some manuscripts and notebooks brought back to Europe. Although Wood wrote that at least the inaugural sermon of each chaplain elected by the Company (ceremonies still held in London) would be sponsored for publication, not much evidence of that survives today.⁶¹ In one of his notebooks, Thomas Smith noted down several sermons held in Constantinople in the late 1660s,⁶² but for nearly all the other chaplains, as far as I know, remains no collection of their daily work as preachers or other testimonies of their ‘cultural activity’ in their contact and exchange with the merchant community. We therefore have few indicators of any kind of dense connectivity with non-Western European cultures beyond dialogues about searching for, finding, and purchasing manuscripts or other items.⁶³ Smith’s sermons themselves do not betray a strong

61 Wood, *Levant Company* 223.

62 Bodl. Ms. Smith 131, pp. 68–169: Sermons preached at Constantinople 1669.

63 This is certainly an impression gained by nascent research and a question open to further study. At least in the correspondence of highly representative chaplains such as Pococke, Thomas Smith, John Covel, Thomas Shaw, Edward Williams, Robert Huntington, William Hallifax, John Luke, and Edward Smyth, of which I have seen parts, one finds well-known exchanges about, within and in service of the Republic of Letters, but quite seldom does one come across notes on their primary work of worship and preaching and their immersion in the merchant community, cf. SOAS Ms. Paget 4/32 [box 5] (Williams), Smith Thomas (ed.), *Roberti Huntingtoni [...] Epistolae [...] Collectore [...] Edwardo Bernardo* (London, William Bowyer for Awnsham & John Churchill: 1704), Bodl. MSS. Smith 8, 14, 28, 40, 45, 50, 63, 64, Ms. Eng. misc. c.23 and passim; *Philosophical Transactions* 19 (1695–1697), 83–110; BL Sloane 3986, 6284 et al. (Shaw); UB Frankfurt, Nachlass Ludolf 1 643 (Edw. Smyth), BL Add. Ms. 22911, 22911A (Covel); Pippidi A. M., *Knowledge of the Ottoman Empire in late Seventeenth-Century England: Thomas Smith and some of his friends*, D.Phil. thesis (Oxford University: 1983); Zizi Z., *Thomas Shaw (1692–1751) à Tunis et Alger. Missionnaire de la curiosité européenne*, Ph.D. dissertation (University of Caen-Basse-Normandie: 1995). But the records of the Levant Company show in the chancery registers and elsewhere that they certainly were spending a great deal of time on their primary functions as servants of the gospel—both being highly linked. The Company’s letter books (PRO SP 105/110–125) mostly mention only the dispatch of a new chaplain. The register and court books

influence of 'Oriental' matters or references to the physical environment of Constantinople. As such they could have just as easily been also given in a parish church in England. Things are a bit different for material culture because the merchant inventories show that the households contained a mixture of imported English/European style furniture and goods with that of their host land. Furthermore, the merchants always possessed another type of books with 'Turkish', Arabic or Greek content, as the inventories note: contracts, notes and copies of local court decisions which were important for their business.⁶⁴ Nonetheless, it does not seem that this linguistic know-how in matters of trade regularly reached the level of interest in the culture and history of their trading partners. The inventories of those same merchants contain then library lists with books even more exclusively 'European' than the factory libraries.⁶⁵ In 1624, before a chaplain had ever been appointed to Aleppo, James Ussher who shared, along with della Valle, Morin, Peiresc and others, an early interest in the Samaritan Pentateuch—because it was considered possible that research on that biblical text could provide a rich, new and potentially very early source for the text transmission—⁶⁶ had to ask a merchant in Aleppo, Thomas Davis, to help with the search of a copy. At that point Davis did a job that was later usually reserved for the chaplains, investigating where the Samaritan community

(PRO SP 105/143–156) only contain entries on the decision of the General Court of the Company to appoint a chaplain, the Aleppo letter books (SP 110/10–53), however, provide a more lively picture of the factory itself, usually concentrating on the merchants' business affairs. Therefore scholars would have to collect small pieces of information from many sources that predominantly deal with other matters.

64 Both is evident from the inventories and auction lists in the chancery registers, e.g. PRO SP 110/60–66, 73. In this, they were always supported by dragomen. On the dragomen and their formation, literature is expanding, but for Venice cf. Rothman E. N., *Brokering Empire. Trans-Imperial Subjects between Venice and Istanbul* (Ithaca – London: 2010), and a dense case study of the 'normal exceptional', Arbel B., "Translating the Orient of the Serenissima: Michiel Membrè in the Service of Sixteenth-Century Venice", in Fuess A. – Heyberger B. (eds.), *La frontière méditerranéenne du XV^e au XVII^e siècle. Échanges, circulations et affrontements* (Turnhout: 2013) 253–275; for the French *enfants des langues* there are some contributions in Hitzel F. (ed.), *Istanbul et les langues orientales* (Paris: 1997). The service of English dragomen seems to be less studied.

65 See below n. 155.

66 Cf. on that slightly later 1628/30s context, Miller P., "A philologist, a traveller and an antiquary rediscover the Samaritans in seventeenth-century Paris, Rome and Aix: Jean Morin, Pietro della Valle and N.-C. Fabri de Peiresc", in Zedelmaier H. – Mulsow M. (eds.), *Die Praktiken der Gelehrsamkeit in der Frühen Neuzeit* (Tübingen: 2001) 123–146.

lived—Damascus and around Mount Gerizim—, as Huntington would later do, voyaging to Sichem himself in 1672:⁶⁷

[...] the five Bookes of Moses in ye Samaritan Character I have found by a meere accident with ye rest of ye old Testament ioyned with y<e>m but ye mischeef is there wants 2 or 3 leaves of ye beginninge of Genesis & as many of the Psalms which notwithstanding I purpose to send by this shipp [...] I have sent to Damascus and yf not theer to be had to Mount Garasim [= Gerizim], so yet in time I hope to procure another which shall containe the 5 bookes of Moses perfectly. I sent a messenger of purpose to Mount Libanus & Tripoly for ye old Testament in ye Syriacke tonngue, but he retorneid without it, [...] problems of copying and transport [...] I pray you understand that by the Syriacke tonngue they meane heare the Chaldean & euery man tells me it is all one the Syrians & Chaldeans beinge one & ye same people but questionlesse the same language therefore if your Lordship meant and desires to have ye old Testament in Chaldean I befetech you to write me by the first over land that for I may provide it by ye next shippe. Also I befetech you to take knowledge that I dare not promise you to send it accordinge to the Hebrue for neyther my selfe nor any other man here can determine it, only I must be forced to take his word that sells it me who is a minister of the sect of the Marranites and by birth a Chaldean but not Scholler neyther is there any to be found.⁶⁸

After Scaliger had directed the attention of European scholars to the Samaritans in the 1580s, being interested in figures dating to the times before the Babylonian Captivity and also what research identifies today as a dialect, mixed up of Syriac, Hebrew and Chaldean elements, the voyager Pietro della Valle first brought a Samaritan Pentateuch to France in 1616 which was used for the Paris polyglot Bible in 1628. The letter of Davis comes thus from a moment when the European Republic of Letters did not yet have clear insight into the significance of the Samaritan tradition and the distinction between, on the one hand, Pentateuchs with texts different from the Septuaginta and Vulgate traditions, written in Hebrew but with Samaritan characters, and, on the other

67 Zwierlein, *Imperial Unknowns* chapter 2 'Religion'

68 Thomas Davis, Aleppo, 29 August, to Ussher [received 12 December] 1624, CUL Dd 3.12, fol. 2. Thomas Davis was one of the more important merchants of the Company, who imported 1000 hundredweight or more currents in the 1630s, cf. Brenner R., *Merchants and Revolution. Commercial Change, Political Conflict, and London's Overseas Traders, 1550–1660* (Princeton: 1993) 71.

hand, Pentateuchs completely written in the Samaritan dialect.⁶⁹ The other question was the identification of the Syriac used as a liturgical language by the Maronites with the language of the Chaldean ethnicity of Biblical times. Those uncertainties and portions of ignorance were behind Davis' explications and he made clear his awareness of several barriers of ignorance that existed during the process of manuscript research and transmission. He was not able to linguistically determine what he had in his hands. Instead, he had to trust the Maronite minister, but the Maronite himself was no scholar. Forms of 'simple' but crucial linguistic barriers on a supposedly horizontal level of communication between the men in Aleppo, along with the problems of recognizing the living and the ancient languages were mixed up with another form of a 'vertical' epistemic gap between the understandings of a simple minister and a scholar like Ussher concerning the object wanted. And all that was in a disjointed dialogue between Aleppo and Dublin, separated by three months between writing and reception and further three months waiting for Ussher's response. What one has to note as a particularly (early) modern aspect of that communication is the accuracy that Davis employed to make explicit those different forms of ignorance that governed the whole process and likely produced what later Ussher may recognize as 'error'.

3 Knowledge Bridges, Knowledge Lost, Aleppo 1720s/1747

It may be helpful to jump from that example of a time *before* the establishment of the chaplains as 'orientalizing experts' to a point in the eighteenth century, when the early *Arabick interest* in England had declined for several reasons, and therefore loosening the link between chaplains and Oriental studies that is so well known in scholarship that it can sometimes obfuscate the cultural realities of the majority of the merchants in the Levant themselves.⁷⁰ We cannot reliably determine the further development of the factory libraries as we possess only one catalogue for each, representing late seventeenth and early eighteenth century content. However, private merchant libraries in the eighteenth century were now growing considerably themselves. They can be used to study the influence of European court culture and the 'Enlightenment' upon the Mediterranean port cities, but once again, they usually did not contain many 'Oriental' books or manuscripts, if any. We may take Rowland Sherman

69 Cf. Sacy S. de, *Correspondance des Samaritains de Naplouse, Pendant les années 1808 et suiv.* (Paris: 1813) 8–9.

70 Toomer, *Eastern Wisdome* 269–305.

as an example, although, and because, he is an exception. This means he may help estimating the gamut between the normal and the possibly unusual in the Levant. Bryan White has reconstructed very precisely what we can know about his family, his departure to Aleppo in 1688 and, foremost, his musical connoisseurship, the practice of performance and his collection of libretti, which in itself provides astonishingly dense information about cultural life in the Levant.⁷¹ But Sherman was also active in other fields. He was apparently very well versed in Greek and conducted missionary work that formerly had mostly been reserved for the chaplains. Bernard Heyberger has devoted a page to what becomes evident in this part of Sherman's cultural activities from the Roman records of the Congregation of Propaganda fide that enviously observed the activities of the embryonic Anglican mission in the Levant.⁷² According to the Roman records, Sherman translated a book of controversy by the Greek Orthodox Bishop of Philadelphia, Gabriel Severos, in response to the *Concordia utriusque Ecclesiae* that the Roman Propaganda published in Latin and Arabic, aiming to prove the unity of the Roman with the Greek Church.⁷³ Sherman also composed a 'rhapsody of all that the sectarians have invented against the authority of the pope' against which Abd Allah Zakhir wrote a response. Sherman also penned a response to a treatise on the sacraments in Greek, he sponsored the publication of the 1727 edition of the

71 White, "Brothers of the String".

72 Heyberger, *Les chrétiens* 476. This important information on Sherman probably escaped White's attention as Heyberger notes his name according to the unsettled Italian/Latin transcription as "Chairman (Chermen, Scermen)".

73 An Arabic translation of such a work is unknown. The title seems close to Arkudios Petros, *Libri VII de concordia ecclesiae occidentalis et orientalis in septem sacramentorum administratione* (editions appeared in Paris: 1626, 1672, in Rome: 1632, 1717). In support of Arkudios, who together with Allacci was one of the important 'Romanizing' Greek theologians, other editions appeared with the Polyglot Typography of the Congregation de Propaganda fide. Against Arkudios, Catumsyritus Johannes Baptista (= Catanzariti) published a *Vera utriusque Ecclesiae sacramentorum concordia*, 2 vols. (Venice, Giovanni Pietro Pinelli: 1632) and a *Vera utriusque Ecclesiae concordia circa processionem Spiritus Sancti* (Venice, Francesco Baba: 1633). See Podskalsky, *Griechische Theologie* 158–159 with n. 657. Both were put on the Roman Index. The Romanizing Paduan Greek professor Nikolaos Komnenos Papadopoulos published *Adversus haereticam epistolam Johannis Hockstoni responsio [...] (Venice, Andrea Poletti: 1703)* which renewed the whole Arkudios—Catanzariti discussion, distinctly referring to Gabriel Severos, in the context of polemical competition with an English 'John Hockston' at Pera and the missionary goals of Benjamin Woodroff's Oxford Greek College. This brought the *De utriusque ecclesiae concordia* discussion closer to the years of Sherman.

New Testament by Salomon Negri in London⁷⁴ and he had paid for a whole ship laden with Protestant books to be distributed in Aleppo free of charge. As was usual among the competing missionaries, the *Propaganda* demanded both the burning and the buying of the whole stock of books and it seems that even the English King ordered Sherman to stop those activities around 1730.⁷⁵ Sherman was apparently a member of the *Society for the Propagation of the Gospel in Foreign Parts*, founded in June 1701 by several High Church Anglicans at the initiative of Thomas Bray. In Sherman's inventory of goods—not in the catalogue section—a 'Large Parcell of Books belonging to the Society for Propagating the Gospel in foreign parts' is noted to be located in 'a Room upon the Terrass'.⁷⁶ Scholarship usually only associates the SPG with activities in the colonies, mostly Northern America,⁷⁷ but it seems that Sherman transferred that impetus and its goals from what were real settler colonies to the trading imperial context in the Mediterranean. What remained of those activities is the section 'Arabian and Turkish Books translated' in Sherman's library catalogue after his death in 1747. While the rest of the catalogue is written in the original European language of each item, the scribe of the catalogue switched here to Italian.⁷⁸ This section contains 73 titles, and its inscription

74 Salomon Negri (Sulaimān al-Aswad) had been taught by Jesuits in his native town Damascus, he then went to France and London, where he met Heinrich Wilhelm Ludolf. Ludolf sent him to Halle where he taught Arabic at the Pietist orphany of the Francke foundations that in those years were becoming the centre for Lutheran foreign mission activity in the Levant and e.g. in Tranquebar/India. Negri travelled back to the Orient, Aleppo, Constantinople, a second time to Halle and finished his life in London where he worked for the SPG. Several Arabic Christian manuscripts copied by him are dated in Aleppo in the second decade of the eighteenth century, so he probably knew Sherman personally. For his Arabic edition of the Psalms and his translation of the New Testament cf. Graf G., *Geschichte der christlichen arabischen Literatur* (Vatican City: 1944–1953) vol. 1, 118–119, 140–141, cf. also vol. 3, 108, vol. 4, 278–279 and Bochinger C., "J. H. Callenbergs *Institutum Judaicum et Muhammedicum* und seine Ausstrahlung nach Osteuropa", in Wallmann J. – Sträter U. (eds.), *Halle und Osteuropa. Zur europäischen Ausstrahlung des hallischen Pietismus* (Tübingen: 1998) 331–348.

75 Heyberger, *Les chrétiens* 476.

76 PRO SP 110/73/2 (7), p. 63 ("Inventory of goods taken in presence of William Cooper and Josiah Chitty", Aleppo, 22 January 1747/8).

77 'The SPG, constituted by royal charter, directed its attention exclusively to the colonies' (Porter A., *Religion versus Empire? British Protestant Missionaries and Overseas Expansion, 1700–1914* (Manchester – New York: 2004) 17).

78 The catalogue of the books and manuscripts was taken in presence of the chaplain John Hemming and Josiah Chitty and signed by the factory's chancellor Nathaniel Free, but as this is the copy entered into the chancery registers, I am not sure if we can identify Free

'Arabian and Turkish Books' is somewhat surprising. If all those titles were Arabic translations of Greek Orthodox and Anglican Protestant texts along with some other Arabic and Ottoman titles, this would have been an impressive collection. But one cannot ascertain this because the manuscripts were sold by auction in 1748 and have either not survived or not been identified as formerly belonging to Sherman and the Italian rendering of their titles does not allow us to determine their original language with absolute certainty. The identification of the titles would be tedious work with much room for speculation and uncertainty and would take up more space for argumentation than is available here. The majority were in fact originally Greek texts. The conflict mentioned in the archives of the congregation of Propaganda is represented by such titles as 'Composto di Gabriel Arcivescovo di Filadelfia [...] Libro di Gabriel Arcivescovo di Filadelfia [...] Prete [sic, ?] di Abdalla Zacher dup~~licata~~'.⁷⁹ The *opuscula* of the Metropolitan of Philadelphia, residing in Venice, Gabriel Severos (1577–1616), had at that point already been translated into Latin by the Paris orator Richard Simon and edited in 1671.⁸⁰ They were of importance within the French controversy between Catholics, mostly the Jansenists around Arnauld, and the Calvinists concerning the understanding of the Eucharist, in which the Jansenist Catholics maintained that the Greek Church, while separated from the Roman by the different understanding of the *filioque* in the Creed, had always been united with the Romans by the supposedly ancient doctrine of transubstantiation.⁸¹ But there were also Arabic translations of Severos' works in Aleppo. The same holds true for other older Greek Orthodox texts of which Sherman possessed copies, such as the famous confession of faith in the form of a dialogue by Patriarch Gennadios from the

as the one who actually noted each title. Italian was usually the dragoman language for translating Arabic documents, cf. for instance Italian translations of Arabic commercial documents by the second dragoman Nicolo Facker, 11 June 1752 in PRO SP 110–73/2 (2), pp. 165–167 or by him and Elias Gadban on 25 October 1752 ibidem, pp. 178–179.

- 79 PRO SP 110/73/2 (7), pp. 71–72.
- 80 Severos Gabriel, *Fides Ecclesiae Orientalis seu Gabrielis Metropolitae Philadelphiensis Opuscula, nunc primum de graecis conversa [...] Adversus Claudi Calviniani Ritus [...]*, ed. Richard Simon (Paris, Gaspare Méturas: 1671). Severos popularized the term μετουσίωσις for the understanding of the Lord's Supper in Greek Orthodox teaching.
- 81 Cf. Mansi 37, 117–227. Abdallah Zakher 'catholicus' was involved in the disputes between the Greek Orthodox, represented by Chrysanthos of Jerusalem, and the 'Romanizing' Christians in Aleppo that had started with questions about the Greek Orthodoxy of Patriarch Athanasius of Antioch, previously Metropolitan of Aleppo, elected in 1720 (ibidem, col. 127). Cf. also the following synods ibidem, 227–254 in Constantinople.

times of the conquest of Constantinople.⁸² More interesting are many other of the items in Sherman's library such as '18 [and later again another 5] Prediche di Gio. Tillotian Anglicano' and other writings concerning the 1722–24 council(s) of Constantinople, devotional, doctrinal, catechetical and controversial texts, which were apparently in Greek or originally Greek Orthodox works translated into Arabic. Several of them are identical with Greek Orthodox texts still extant today, but the Anglican missionary sermons mentioned are probably lost, which makes this the only trace of their existence.⁸³ It is contemporary with the last efforts of the non-jurors to form an alliance with the Greek Church between 1716 and 1727 about which no detailed study exists. The non-juror bishops Jeremy Collier, Archibald Campbell, Jacob Gadderer, John Griffin and Thomas Brett had even proposed to submit the non-juror English church(es) to the Patriarch of Jerusalem in order to save them from royal obedience, but they never agreed on the understanding of the Lord's Supper.⁸⁴ We do not know enough about Sherman's own convictions and writings, so we cannot appraise whether he sympathized with the non-juring bishops himself and took part in those efforts. Nevertheless, these records suggest his engagement in Anglican missions in a surprisingly close connection with the local Greek Orthodox themselves.

But comparing his library catalogue to those surviving from other contemporary merchants such as William Lateward, Thomas Savage, George Norbury, the firm Wooley & Cope, Lister Bigg and George Akeman, all ranging from 1702 to 1758,⁸⁵ it is clear that he was exceptional in the dimensions and range of his religious-cultural activities and his apparent linguistic capacities. He also lived longer in the Levant than probably any other merchant of that time, from 1688

82 'Discorso di Genadio Vescovo con il G. Sig. Mahemet' seems to denote a dialogue on faith, not, in fact, *with* the Sultan but with a Muslim that occurred at the order of the Sultan which was printed in 1530: Γενναδίου τοῦ Σχολαρίου [...] ὁμολογία ρηθεῖσα περὶ τῆς ὁρθῆς καὶ ἀμωμήτου πίστεως τῶν χριστιανῶν [...] Ἐρωτηθεὶς γάρ παρὰ τοῦ Ἀμηρᾶ σουλτάνου τοῦ Μωχμέτη, in I. Karmires (ed.), *Tὰ δογμάτικα καὶ συμβολικὰ μνημεῖα τῆς ὁρθοδόξου καθολικῆς ἐκκλησίας*, 2nd ed. (Graz: 1968) vol. 1, 432–436, translated into Arabic by the Melkite Makarius ibn az-Za'im around 1700 (Graf, *Geschichte* vol. 3, 109). This is not the sermon dated shortly after 1453, edited by Eusèbe Renaudot in 1709, that contained the important term *μετουσίωσις* for the first time, the terminological parallel to 'transsubstantiation' in the Greek Church during the seventeenth century.

83 Likewise one wonders which 'Padre Simone' or 'Padre Simone *Episcopo Anglicano*' is meant in this Aleppo context who figures as author of several replies and surreplies to Catholic doctors.

84 Cf. Mansi 37, 369–624.

85 Cf. Zwierlein, *Imperial Unknowns* chapter 3.

to his death in 1747, while the English and even more so the French merchants usually remained a few years, sometimes up to a decade, in one location, often moving between Aleppo, Smyrna and Constantinople before returning after some time to Europe. Only a few consular dynasties tended to extend their stays and—in the French case—obtained governmental permission for that. Still, even Sherman's catalogue contains only a minuscule proportion books or manuscripts concerning Muslim or other Arabic or Ottoman texts that would indicate a deeper interest in and acquaintance with non-Christian Syria and other parts of the Ottoman Empire and its population. And if not in Sherman's library, then, *a fortiori*, this holds true even more so for all other merchants until at least 1750.

4 Conclusion: Levels of Ignorance

If one makes statements about ignorances of the past, the historian has always first to start with the gaps in his own knowledge. This is no *coquetterie*, but a hermeneutical starting point. It is, after all, far easier to discuss what was known and existing at a given time than what was impossible to know, unknown or not existing, even if the latter reveals perhaps more about the past than the former. At least for the question of differences between periods and cultural settings, the question of unknowns and the limits of knowables are of far higher importance than their opposite, an old Foucauldian insight. In the present case, the argument developed here could be tainted with errors on several levels, through my own manifold ignorances and because of my background as a historian of Western Europe. Besides even larger possible faults of having overlooked an important English or French work on the issue, I could have overlooked, for instance, recent research in Russian or Hebrew about an important collection of heavily annotated Ottoman chronicle manuscripts owned by an English Levant merchant who died in 1700 in Smyrna and which have now been discovered in a local monastery or former madrasa library. All research written in Western languages could have a blind eye for certain realities and sources, either not yet studied at all, or only briefly mentioned somewhere. Then there is the classical problem, which is a problem of ignorance, of accurately estimating what has never existed and what has been lost by incomplete transmission.⁸⁶ Maybe Lewes Roberts had another, still larger library in

86 Cf. e.g. Esch A., "Überlieferungs-Chance und Überlieferungs-Zufall als methodisches Problem des Historikers", in Idem, *Zeitalter und Menschenalter. Der Historiker und die Erfahrung vergangener Gegenwart* (Munich: 1994) 39–69.

London with a huge portion of Arab and Ottoman manuscripts and he was a silent devotee of Ibn Khaldun, of which no trace remains (and which would be a huge surprise given the current knowledge about the very late rediscovery and re-reading of Khaldun around 1700, by both, Arabic and Ottoman and Western scholars), and he gave just a small, unproblematic portion of his library to Jesus College. And this part would have been preserved because institutions always preserve their holdings better than private individuals. I do not have to expand these speculations, but they certainly remind us that the argument brought forward here about not or very rarely existing items and about epistemic forms unknown by certain groups during a certain period are highly 'vulnerable' to objections and falsifications. The mere discovery of new sources such as the hypotheticals above would prove the argument to be at least partially wrong. But, in an old-fashioned Popperian sense, that is not a sign of weakness but of the strength of the argument: only narrow propositions in a clearly falsifiable form are theses in a Popperian sense.

That said, the line from the early Levant Company of Lewes Roberts in the 1610/20s to that of Sherman reaching close to 1750 seems to reveal developments as well as a certain continuity concerning the problem discussed here of ignorance/knowledge in the relationship between European merchant colonies and their local cultural environment. This continuity is the absence of any deeper acquaintance with the Muslim Arabic or Ottoman past or history in any direct form, even among the later more learned members of the eighteenth century merchant community, in the sense that they read and studied the relevant manuscripts. A further continuity is the, somewhat paradoxical, spatial and temporal disentanglement between the emergence and growth of Western European Oriental Studies in leading academic circles and in the Levant regions themselves, even if and because many of the important scholars and manuscript collectors visited Constantinople, Pera or Smyrna at some point and used the merchants' infrastructure for support and transportation. No, or at the most very small, feedback loops between advances in those fields in Oxford, Leiden and Paris and the everyday culture of merchants in Aleppo can be retrieved from the library lists and the books and manuscripts possessed. One discernible development, however, concerns the 'native' (to use the colonial term) Christians. The missionary impulse evidently led, for some exceptional members of the merchant community and the chaplains, to a higher degree of exchange and dialogue, through Arabic translations and apparently also through active observation and participation in the local disputes of the Oriental Christian churches themselves. We still know far less about these Anglican enterprises than about the Roman ones. If the first point concerning the average interest in and knowledge of Muslim parts of the local

cultural environment leads to an impression of a continuity of cultivated ignorance by the Europeans, the second betrays a non-knowledge cycle: first the awareness of gaps and lacks of knowledge concerning the several forms and details of Christian worship in different languages and traditions present, then a decade and century long enterprise of empirical investigation and forms of accommodation. Here, on a different level, the study of the libraries may have shown the specific form of selectivity, better to be studied for the 1655/1688 lists of the Aleppo factory library. As every form of epistemic selectivity draws a distinction between the included and the excluded, the known or knowable on the one hand and the unknown and (through the help of this library) unknowable on the other, the conservative episcopal character of the library reveals a certain ‘proactive form of ignoring’ which seems to have been present during those embryonic missionary enterprises. This is evident, but has to be stated directly: Even if one can formulate a general ‘growth of knowledge’ about, for example, the Greek Orthodox churches, the selectivity of the observers own theological positions always introduced a distinction between the known or knowable and the ignored, right from the beginning of every hermeneutical contact. For this selectivity, or constantly processed border between ignorance and knowledge, the frozen moment encapsulated in the 1655/1688 library catalogue lists is simply an appropriate representation, which would have to be reconstructed for every direct interaction between the groups and people in the Levant, as far as the sources allow. This ignorance as the effect of the unmarked space created by every distinction and selection, to follow George Spencer Brown, evidently was partially very conscious, and partially unconscious. How Frampton composed the library initially in 1655 seems to reveal a theologically very conscious choice, perfectly fitting with his and most of the following chaplains’ position in the well-defined controversial field of inner-British and inner-European confessional conflicts. The later purchases were still—if one considers how successive acquisitions usually occur somewhat randomly and less directed by ‘one mind’—quite in line with the original set-up. But for the other imaginable contents and even for the lack of Muslim related acquisitions, it is harder to ascertain the degree of consciousness.

From this point of view, what one is witnessing in the 1720s–30s, during the quite impressive process of translating Greek and English theological works into Arabic in order to address Arabic speaking Christians in Aleppo, seems then to be not the result of a constant movement of mixture and merging between ‘the Western Christians’ and those confessions and groups. Rather, it was highly pre-selected points of coupling or tiny bridges between parts and niches of the possible positions and theologies on each side, with enormous amounts of potentially available knowledge on both sides that was ignored. Even moments

of *métissage* or the so-called ‘hybridization’ of cultures—a word still with not much meaning because no un-hybrid pure culture is imaginable—can operate thus only by ignoring and blocking a great deal else out. Again, this is evident, and to some point even trivial, but it is worth recalling in view of some parts of scholarly literature that still tries to examine ‘the’ Christian-Muslim or ‘the’ Eastern-Western Christian dialogues and entanglements.

All this concerns the ‘higher’ level of reciprocal acquaintance (or ignorance) of the other’s history, perhaps also their literature and political structures, beyond an oral and colloquial exchange. It seems that the British (and French) lived and performed, on that level, Britishness and Frenchness, or at least ‘Westerness’. Around 1700, this was, for the English, largely represented by English sermons and Anglican works along with authors such as Camden or Locke. Around 1750, libraries like that of George Akeman in 1758 contained an ample set of what one would expect an English gentleman in any English urban setting to have (Locke, Bayle, Barrow, Burnet, Milton, Defoe, Pope, Shaftesbury, issues of the *Spectator* and the *Tatler* etc.). By performing Purcell (Sherman’s friend) and the other music works studied by White, reading and discussing these works, the merchants imitated the proto-bourgeois, the court and urban culture of their homelands on Levantine shores. In terms of practical business and trade, however, there was certainly a high degree of everyday intercourse and a technical know-how of contracting, commercial and legal traditions and customs very particular to Aleppo or Smyrna. The multilingual chancery registers, other similar documents, and the work of the dragomen show that. But perhaps it is heuristically more helpful to conceive the dragomen not as an avant-garde of high and always stronger interpenetrating cultures but just as forms of couplings necessary and institutionalized because of the *non*-interpenetration between these cultures, that, perhaps even in a reciprocal form, not only from the European side, ignored each other to a good extent. The embedding of the minority culture of Mudejar Muslims in medieval Spain has recently been characterized as cultural exclaves within (in this case) a manifestly dominant Christian environment, although recent historiography tends here, as in other periods and places of Mediterranean history, to stress the high degree of shared ethnic and cultural values.⁸⁷ I think that, while many fascinating pictures of instances and biographies of ‘normal exceptionals’ have been uncovered that suggest momentary high degrees of exchange, for the setting studied here, reversed in terms of dominance/minority, the picture of exclaves surrounded by borders of reciprocal (partial) ignorance can be

⁸⁷ Miller K. A., *Guardians of Islam: Religious Authority and Muslim Communities of Late Medieval Spain* (New York: 2008) 15 with n. 35.

a helpful reminder and a heuristical tool. It helps avoiding the overstressing of momentary contacts and exchanges and confusing different levels of intercourse and communication. It is helpful for not suggesting that because a dragoman was daily translating contracts from Arabic into English and vice versa, other forms of merchant culture on both sides would have likewise merged.

There were many functions of that reciprocal ignorance and ignoring, some more obvious, some rather latent. One of these was to make those European merchants suitable components of trading empires: Post-Saidian scholarship has valuably pointed out that, in Aleppo, as in Constantinople, the agents of the European trade ‘empires’ were, in number and economic power, on the local level completely dependent on the different Ottoman subject groups as traders.⁸⁸ This has changed our perspective, but what then were those trading empires if they were so weak? Perhaps one answer is the degree and the functionalization of ignorance on that second cultural level which distinguished the European merchant communities a great deal from the coordination of other groups and of other Ottoman subjects. Likewise, the just mentioned disentanglement between growing Orientalist academic knowledge in the networked centre and the minuscule impact of that back upon the epistemic relationships in the ‘periphery’, seen from the Europeans point of view, had the function of establishing a hierarchy of knowledge, ignorance and dominating directions of information flows proper for an imperial situation, long before the economic and political power relationships caught up. This was, again, sometimes partially very willed and explicit, and to some extent it just happened. To call it ‘proto’-imperial is as teleological as it is inadequate to describe a situation that prevailed for some 200 years. Still, from a functional perspective, ignoring and ignorance seems to be quite important for the life of empires.

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PART 4

Political and Scientific Communication

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Ignorance about the Traveler: Documenting Safe Conduct in the European Middle Ages

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Unlike their counterparts in Europe, administrators in the medieval Islamic world were not ignorant when it came to travelers. In 867, a monk named Bernard and two companions set out from Rome on pilgrimage to Jerusalem. Their first stop was the emirate of Bari, under Arab control since 847. There they acquired from the emir what are clearly letters of safe conduct, addressed to his counterparts in Alexandria and Cairo. The letters gave the details of their planned itinerary and their faces (*noticiam vultus nostri vel itineris exponebat*). When they got to Alexandria, the governor read the letters from Bari, but it did not do them any good, and they had to pay for new ones. Of interest here is less the fact that the documents did not work than their contents. Because the letters gave details of their faces, the governor of Alexandria could know that he was dealing with the right people.¹ We have no evidence of this sort of thing—an intrinsic means of linking the recipient of a travel document to an individual—in Christian Europe for at least another six centuries.²

Safe-conduct documents themselves were not unknown. Most of the Late Antique and early medieval evidence for them comes from normative sources, or from tangential references in narrative texts, which rarely reveal the precise wording or content of the documents.³ One notable exception is a document

¹ Bernard, *Itinerarium* 3, 6–7, ed. T. Tobler – A. Molinier, *Itinera hierosolymitana et descriptio-nes Terrae Sanctae*, 2 vols. (Geneva: 1879–85) vol. 1, 310–313. My thanks to audiences at UCLA and the University of Pennsylvania, in addition to the Paris colloquium, for stimulating discussions of various versions of this paper, and to Sasha Carter for research assistance.

² Groebner V., *Who Are You? Identification, Deception, and Surveillance in Early Modern Europe*, trans. M. Kyburz – J. Peck (New York: 2007 [2004]) raises at points precisely the same question explored here focusing on a slightly later period and a wider range of documentation (e.g., 90, 209–210). The Early and High Middle Ages are treated briefly at 154–159; he is not aware of the Arabic tradition. See also below, n. 9.

³ Bognetti G. P., “Note per la storia del passaporto e del salvacondotto (a proposito di documenti genovesi del sec. XII recentemente pubblicati)”, *Studi nelle scienze giuridiche e sociali* 16 (1931) 269–322; 17 (1932) 125–210; 18 (1933) 249–481 (where page numbers overlap, citations are to part 3); in discussing Bernard’s account (296–299), he does not take special notice of

granting protection specifically to travelers to the imperial court found in a formula-book datable to the reign of the Frankish emperor Louis the Pious (814–840). The travelers, concerned about being attacked en route, have petitioned for protection. The emperor orders his officials to insure that no one seize anything from them beyond reason or commence a legal proceeding against them unjustly; any valid cases brought against them are to be transferred to the royal court; and nobody is to hinder their passage (*viam contradicere*). As in the case of Bernard, the document specifies the destination of travel; but unlike in the letters from Bari, the travelers are simply to be identified by name: *quidam homines, quorum nomina sunt illi, illi.*⁴ Such a document could be presented to officials, but would be of no help in determining whether the bearers were the individuals named in it.

The facial description included Bernard's letters of safe conduct is not an isolated piece of evidence, just an extremely rare cognizance in a European, Latin source of what appears to have been a routine documentary practice in the Islamic world. The strict regime of internal control in early Islamic Egypt, for example, has left a papyrus safe-conduct in Coptic from 731 for one 'Constantin Papostolos, a young man, flat-nosed, on his cheek being a scar and on his neck two moles, having lank hair'.⁵ A similar document, in Arabic, from 751 names two beneficiaries: Sambā Qallinik, 'beardless, fat, and dark-skinned, with a hooked nose, thin eyebrows, and a shaved head'; and Qlūğ Hilya, who was apparently not fat and had an unremarkable nose, but looked like Sambā in the other details.⁶ A Coptic petition for safe-conducts from a few decades later shows that such identifications were essential to the travel documents. At the end, the petition details in Greek the information that the notary would need to draw up the permits themselves: 'Iōsēph, son of Patuzen... thick-skinned and yellowish'; 'Theōdoros... dark-skinned and corpulent'; 'Markos, son of Taurinus...[?] knuckle'.⁷ In fact, in the Islamic world, identification clauses of this sort were not limited to travel documents. In eleventh-century documents from the Cairo Geniza, they figure in sales, leases, acknowledgments

the issue of identification. Also essential is Fiesel L., "Zum früh- und hochmittelalterlichen Geleitsrecht", *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, Germ. Abt., 41 (1920) 1–40.

4 Formulae imperiales 41 (MGH Formulae 318–319).

5 *Arabic Papyri in the Egyptian Library*, ed. A. Grohmann, 6 vols. (Cairo: 1934–62) vol. 4, no. 175 (cf. no. 174, where the personal description is not legible).

6 Rāġib Y., "Sauf-conduits d'Égypte omeyyade et abbasside", *Annales Islamologiques* 31 (1997) 143–168, no. 7; similarly, nos. 1, 3, 5, 6, 8.

7 *Ten Coptic Legal Texts*, ed. A. A. Schiller (New York: 1932) no. 3.

and quitclaims, court records, and powers of attorney. Jurists even debated the merits of the clause, called the *hilya*.⁸

This sort of detail is, in a pre-photography world, perfectly sensible, and even moreso in the context of a travel document, where the bearer is most likely to be unknown to the person reading it. But Valentin Groebner observes that physical description is wholly absent in European administrative sources before the fourteenth century. Individual descriptions appear first in lists of known criminals exchanged between cities in the early thirteenth century. These began as simple lists of names; in the early fourteenth century additional information appears, but it is inevitably a description of clothing, rather than of 'distinguishing characteristics' such as scars, moles, tattoos, hair and eye color, height, and weight. When on rare occasion these details do appear in the fourteenth and fifteenth centuries, it is not in travel documents.⁹

Medieval European safe-conducts, in particular, generally follow the ninth-century formula-book in giving only names. In safe-conducts found in a fifteenth-century French royal formula-book, little had changed in six hundred years: the only variable elements are names (*Telz et Telz; N; en tel lieu*).¹⁰ How then did a medieval European official looking at a safe-conduct know that the possessor was in fact the person to whom it had been granted? How was the effect of a photograph, or the Arabic *hilya*, achieved? Or was it achieved? Or is that the wrong question? In searching for an answer, this study begins with some general observations about definitions, sources, and historiography,

8 Khan G., "An Arabic Document of Acknowledgement from the Cairo Genizah", *Journal of Near Eastern Studies* 53 (1994) 117–124; Khan G., *Arabic Legal and Administrative Documents in the Cambridge Genizah Collections* (Cambridge: 1993) 14–20 and nos. 6, 24–25, 27, 35, 37–38, 40, 42, 45–46, 57, 62.

9 Groebner V., "Describing the Person, Reading the Signs in Late Medieval and Renaissance Europe: Identity Papers, Vested Figures, and the Limits of Identification, 1400–1600", in Caplan J. – Torpey J. (eds.), *Documenting Individual Identity: The Development of State Practices in the Modern World* (Princeton: 2001) 15–27; Nicklis H.-W., "Rechtsgeschichte und Kulturgeschichte. Zur Vor- und Frühgeschichte des Steckbriefes (6.–16. Jh.)", *Mediaevistik* 5 (1992) 95–125; Von Moos P., "Das mittelalterliche Kleid als Identitätssymbol und Identifikationsmittel", in Von Moos P. (ed.), *Unverwechselbarkeit: Persönliche Identität und Identifikation in der vormodernen Gesellschaft* (Cologne: 2004) 123–146. Groebner, *Who Are You?* cites fourteenth-century non-travel documents at 75, 99, 109–110 (slave register), 111–112 (*libri di diposti*). His earliest reference to distinguishing marks in the context of a travel document is from 1579 (199).

10 *Le formulaire d'Odart Morchesne dans la version du ms BnF fr. 5024*, ed. O. Guyotjeannin – S. Lusignan (Paris: 2005) c. 10.

before turning to two case studies: England around 1200, and the Crown of Aragon in the thirteenth and early fourteenth centuries.

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In modern terms, a safe-conduct is not the same thing as a passport. A modern passport, addressed from one state to another, is at least in part a *request* for safe conduct, rather than a grant of it. A modern visa, meanwhile, is addressed from a state to itself. Originally, and often still, a simple endorsement of a passport attesting to its authenticity, the visa is an internal administrative recognition of privileges granted to the bearer (to enter, exit, or travel in a territory) and is the closest contemporary equivalent to the medieval safe-conduct. Passports and visas assume a nation-state framework lacking in much of the Middle Ages: normally only holders of foreign passports are issued visas. But the medieval sources regularly include safe-conducts issued to individuals whom we would think of as members of the same political community as the issuing authority. Furthermore, the terminological distinction between passport and safe-conduct is not detectable in the medieval sources, even when those terms or variants appear.¹¹ Still, part of the modern conceptual distinction between passport and safe-conduct is useful: a safe-conduct can only apply in the jurisdiction of the institution that grants it. Bernard and his fellow monks, for example, received safe-conducts from an Islamic official, addressed to other Islamic officials.¹² Or consider the two surviving original Byzantine safe-conducts, from 1199 and 1201. Although issued to the beneficiaries, from Pisa and Genoa, their real audience was the Byzantine local officials who were prohibited from interfering with the travelers: the documents were in Greek.¹³

¹¹ Nordman D., "Sauf-conduits et passeports, en France, à la Renaissance", in Céard J. – Margolin J.-C. (eds.), *Voyager à la Renaissance: Actes du colloque de Tours 30 juin–13 juillet 1983* (Paris: 1987) 145–158; De Craecker-Dussart C., "L'évolution du sauf-conduit dans les principautés de la Basse Lotharingie, du VIII^e au XIV^e siècle", *Le moyen âge* 80 (1974) 185–243, here 186–194.

¹² Requests for entry and safe conduct from one polity to another are rarer in medieval sources; they raise similar issues of identification. See Bognetti, "Note" 283, 399. Letters of credence and procuration (below, at n. 18) are analogous, but have broader functions.

¹³ Kresten O., "Der Geleitbrief – Ein wenig beachteter Typus der byzantinischen Kaiserurkunde. Mit einem Exkurs: Zur Verwendung des Terminus Sigillion in der byzantinischen Kaiserkanzlei", *Römische historische Mitteilungen* 38 (1996) 41–83. On translation, see Bognetti, "Note" 402–403.

The range of situations in which a traveler was protected in transit extends well beyond the range of situations in which a traveler possessed a document recording or effecting that protected condition. In the context of warfare, armies obtained safe conduct through foreign territory, just as negotiators did to pass through enemy lines to attend parleys; merchants enjoyed safe conduct going to and coming from markets and fairs, as did participants in judicial processes in traveling to and from court, representatives attending parliaments, and pilgrims, students, and ambassadors in travel to and from their destinations; merchants might also benefit from safe conduct on certain routes in return for toll payments (*Zollgeleit*); generic travelers might enjoy safe conduct simply by using a royal road. All this is distinct from the protection that such individuals might enjoy because of their status, rather than the fact of their movement; it could overlap with grants of ‘conduct’ aimed at honoring travelers or providing them sustenance, rather than protecting them.¹⁴

Similarly, medieval travelers might carry a range of documents, some directly related to these various forms of protection, others not.¹⁵ From the early Christian era, clerics were required to carry *litterae commendatitiae* when traveling outside of their home dioceses; the same term is applied in the Rule of Saint Benedict to the letters an abbot was to request from a monk seeking to transfer from a known monastery; the poor, meanwhile, might travel with ecclesiastical *litterae pacifcae*, early versions of begging licenses.¹⁶ A *littera tractoria* or *evectio* granted the bearer the right to requisition material support during travel.¹⁷ A later medieval ambassador’s pouch might include in addition to a safe-conduct, separate letters of procuration (granting power to

¹⁴ Koehler B., “Geleit”, in Erler A. – Kaufmann E. (eds.), *Handwörterbuch zur deutschen Rechtsgeschichte*, 5 vols. (Berlin: 1971–98) vol. 1, 1481–1489; Fiesel, “Zum früh- und hochmittelalterlichen Geleitsrecht” 29–40; Müller U., *Das Geleit im Deutschordensland Preußen* (Cologne: 1991) 76–114; Kintzinger M., “*Cum salvo conductu*: Geleit im westeuropäischen Spätmittelalter”, in Schwinges R. C. – Wriedt K. (eds.), *Gesandtschafts- und Botenwesen im spätmittelalterlichen Europa* (Ostfildern: 2003) 313–363; Wiederkehr G. R., *Das freie Geleit: Seine Erscheinungsformen in der Eidgenossenschaft des Spätmittelalters: Ein Beitrag zu Theorie und Geschichte eines Rechtsbegriffs* (Zurich: 1977) 22–35.

¹⁵ Typologies of travel documents: Bognetti, “Note” 282–284, 399–404; Müller, *Das Geleit* 204–213.

¹⁶ Council of Chalcedon (a. 451) 11; Regula Sancti Benedicti 61; Fiesel L., “Die kirchlichen Empfehlungsbriebe und das kirchlich-klösterliche Geleitswesen”, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte*, Kan. Abt., 10 (1920) 157–167.

¹⁷ E.g., Formulae Marculfi 1.11 (MGH Formulae 49); Cassiodorus, Variae 7.33 (MGH AA 12:219); Gillett A., *Envoy and Political Communication in the Late Antique West*, 411–533 (Cambridge: 2003) 238–242.

negotiate), credence (requesting acceptance as a representative), and protection (of his person while en route in his home country and of his possessions while absent).¹⁸

Out of this variety, the present study focuses on individual, specific safe-conducts: documents issued by an individual or an institution, normally addressed to officials subordinate to the issuer, that created or recorded a right to non-molestation for the bearer of the document during transit. It explores how such a personal document carried by an individual functioned in a regime of control of movement. Many medieval grants of safe conduct are not of this individual sort, but rather general or collective, applying to, for example, all merchants from a given town, or all Rome pilgrims.¹⁹ When such a grant was recorded in a separate document (or, as was common, in a clause of a treaty), it is improbable that each member of the affected group would be in possession of a copy.²⁰ For example, the text of an *amān*—the safe-conduct of Islamic law—issued by the Mamluk sultan to the Republic of Florence in 1507 granted to ‘any one of the Florentine nation’ that ‘they come to the ports of our noble kingdom cheerfully and gladly, and secure in their persons and property’.²¹ This grant was recorded in a two-meter long scroll that went straight into the Florentine archives. Its content was presumably generally known to Mamluk captains; the document was not necessary. As a matter of bureaucratic epistemology, the problem of identification in this and similar cases was somewhat different: is the individual before me a member of such-and-such a group?²² Here an individual document certifying membership in the relevant group might be useful, rather than a copy of the general document.²³ But that leads to a different question, the one central to the problem of identification in safe-conducts: is the individual before me the person named in the document?

¹⁸ Cuttino G. P., *English Diplomatic Administration, 1259–1339*, 2nd ed. (Oxford: 1971) 154–159. See also Queller D. E., *The Office of Ambassador in the Middle Ages* (Princeton: 1967) 110–136; Reitemeier A., *Außenpolitik im Spätmittelalter: Die diplomatischen Beziehungen zwischen dem Reich und England 1377–1422* (Paderborn: 1999) 35–63; Chaplais P., *English Medieval Diplomatic Practice*, 2 parts in 3 vols. (London, 1975–82), esp. safe-conducts at nos. 165–180.

¹⁹ Bognetti, “Note” 401–404, and below, at n. 23.

²⁰ See, however, Bognetti, “Note” 403, with Brandileone F., “La clausola di esibizione della carta nei documenti bizantini medievali”, *Rivista di diritto commerciale industriale e marittimo* 3 (1905) 95–108. Reproduction became a problem in fifteenth-century England; see *Rotuli chartarum in turri Londinensi asservati*, ed. T. D. Hardy, vol. 1, part 1 (only) (London: 1837) [=RC] ix–x.

²¹ Wansbrough J., “The Safe-Conduct in Muslim Chancery Practice”, *Bulletin of the School of Oriental and African Studies* 34 (1971) 20–35.

²² Bognetti, “Note” 393, 397.

²³ Bognetti, “Note” 362, 399, 403, 421.

This is not a problem that has been addressed well by previous research. The study of safe conduct and its documentation fits into at least three coherent bodies of scholarship. First, there is research on the history of the passport, generally the province of modern historians exploring the development of the nation-state through a Foucauldian focus on governmentality. This literature often finds the origins of the modern passport in the medieval safe-conduct.²⁴ A related strand, more the province of the early modern historian, concerns the history of identity and the challenges that it might raise, most vibrantly explored by Natalie Zemon Davis in *The Return of Martin Guerre*.²⁵ In general this scholarship tends to focus more on the relationship between the individual and the group, or on the identity of the group, than on the uniqueness of the individual.²⁶ Third, there is the history of official protection—an enormous topic, related to things as various as immunities granted to monasteries, royal supervision of roads, sanctuary, and the Peace and Truce of God.²⁷ Protection has provided the general framework for most earlier research on the institution of safe conduct, particularly in German-language studies of *Geleit*.²⁸ Studies in this vein focus mainly, on the one hand, on who had the right or responsibility to provide safe conduct and, on the other, on particular categories of travelers who received it, generally ambassadors, merchants, scholars, clergy, and pilgrims. The documentary practices surrounding the institution of safe conduct have attracted relatively little attention. How did the document recording or effecting safe conduct relate to the institution of protection of travelers?²⁹ This question turns out to be rather difficult to answer, but trying to do so can illuminate the narrower issue of linking the document to the individual, and thus the question of bureaucratic ignorance.

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- 24 Nordman, "Sauf-conduits"; Groebner, *Who Are You?*; Torpey J., *The Invention of the Passport: Surveillance, Citizenship and the State* (Cambridge: 2000) 160; Szabó T., "Paß. I. P., Passeport", in *Lexikon des Mittelalters*, 10 vols. (Munich: 1980–99) vol. 6, 1755–1756.
- 25 Davis N. Z., *The Return of Martin Guerre* (Cambridge, Mass.: 1983) esp. 63.
- 26 Exceptions include: Groebner, *Who Are You?*, e.g., 26–27, and especially Von Moos P. (ed.), *Unverwechselbarkeit*.
- 27 E.g., Rosenwein B. H., *Negotiating Space: Power, Restraint, and Privileges of Immunity in Early Medieval Europe* (Ithaca: 1999) 106–112; Kosto A. J., *Making Agreements in Medieval Catalonia: Power, Order, and the Written Word, 1000–1200* (Cambridge: 2001) 264–266; Hyams P. R., *Rancor and Reconciliation in Medieval England* (Ithaca: 2003) 92–98.
- 28 The most important studies are cited above, n. 14; see also research in progress on early modern safe conduct by Luca Scholz (European University Institute) whom I thank for sharing his work.
- 29 Exceptions are Groebner, *Who Are You?* cc. 6–7; Moatti C., "Le contrôle de la mobilité des personnes dans l'empire romain", *Mélanges de l'École française de Rome: Antiquité*, 112 (2000) 925–958.

Contemporaries recognized from early on the problem of identification of travelers. Merchants might attempt to avoid tolls by disguising themselves as pilgrims, as Charlemagne complained to Offa of Mercia in 769; enemies might disguise themselves as merchants, as noted in a Pisa-Fatimid treaty of 1154 or an account of a secret delegation to the antipope Honorius II in 1063;³⁰ ships might fly false flags, and citizens of one town might pass themselves off as from another.³¹ Careful questioning, as is still the case in the twenty-first century, seems to have been the best approach. An ordinance of the German emperor Frederic II for Sicily holds that whenever a ship enters into port one or two officials should board it and ‘faithfully and diligently inquire as to where they are from, where they are coming from, where they are headed and for what purpose, and who the people on board are’.³² Officials might also require sworn oaths, of the traveler or of people willing to vouch for the traveler,³³ although people were always willing to swear falsely.³⁴

Were documents of any use in the official effort to identify travelers? There are hints of internal processes of verification of travel documents that suggest that authenticity was a concern. Thus proper *litterae commendatitiae* featured a code number that could be used to verify the trustworthiness of the document.³⁵ Similarly the famous ‘passport decree’ of 750 of the Lombard king Ratchis concerning entry into the kingdom via the Alpine passes refers to *syngraphūs*, suggesting that a duplicate of the safe-conduct was kept by the issuing official.³⁶ But these mechanisms, like less involved means such as seals, could only give confidence that the document was authentic, not that its contents were true.³⁷

³⁰ MGH Epp. 4:144–146 (no. 100); *I diplomi arabi del r. archivio fiorentino*, ed. M. Amari (Florence: 1863) no. 2.1; Benzo di Alba, *Ad Heinricum IV. imperatorum libri VII* 3.11 (MGH SSrG 65:300); all cit. Bognetti, “Note” 187n3, 433.

³¹ False flags: Bognetti, “Note” 450, 456. Passing: *Historia diplomatica regni Siciliae inde ab anno 1250 ad annum 1266*, ed. B. Capasso (Naples: 1874) no. 265; cit. Bognetti, “Note” 421.

³² *Historia diplomatica Friderici Secundi...*, ed. J.-L.-A. Huillard-Bréholles, 6 vols. (Paris: 1852–61) vol. 5, 903 (cit. Bognetti, “Note” 368, 398): ‘fideliter et diligenter exquirat unde sit, unde veniat, quo et ad quid vadat et qui sint homines existentes in eo’.

³³ Bognetti, “Note” 398–399, 421.

³⁴ E.g., Gregory I, *Registri* 9.144 (MGH Epp. 2:140–141); cit. Bognetti, “Note” 192.

³⁵ Fiesel, “Die kirchlichen Empfehlungsbriefe” 160–161; Fabricius C., “Die *litterae formatae* im Frühmittelalter”, *Archiv für Urkundenforschung* 9 (1926) 39–86, 168–194.

³⁶ Ratchis 13 (MGH LL 4:192–193). See Pohl W., “Frontiers in Lombard Italy: The Laws of Ratchis and Aistulf”, in Pohl W. – Wood I. – Reimitz H. (eds.), *The Transformation of Frontiers: From Late Antiquity to the Carolingians* (Leiden: 2001) 117–141; Bognetti, “Note” 283–284.

³⁷ The concern here is not the *identity* of the author/issuer of the document but instead *identification* of its subject. Cf. Bedos-Rezak B. M., “Medieval Identity: A Sign and a Concept”, *American Historical Review* 105 (2000) 1489–1533.

In a 944 Russo-Byzantine treaty, the Byzantines required merchants or ambassadors entering imperial territory, who had formerly been identified by gold or silver seals, to carry a letter from the prince to the emperor detailing the number of ships; here the reliability of the claim that the parties in question were entering with peaceful intention is bolstered (although not proven) by a verifiable connection between facts recorded in the document and observable in the real world.³⁸ Regimes of control of movement that integrated written and oral mechanisms were perhaps more effective. In the Lombard system of Ratchis, border officials granted incoming travelers to Rome a pass inscribed on a wax tablet and sealed (*faciat... syngraphūs, et mittat in cera et ponat sibi sigillum suum*), which would then be turned into a proper letter (*epistola*), which in turn would be sealed at Rome for the return journey. The decree expresses concern about those who enter fraudulently and orders that officials ‘carefully question travelers about whence they come’ before issuing the pass.³⁹ Here an official oral process lay behind the official document: hardly a guarantee, but better than a document on its own. Evidence of this sort is exceedingly rare.

The isolated examples just surveyed are too dispersed chronologically and geographically to be anything more than suggestive. In considering documentary practices, working with a critical mass of records is the preferred approach. This might be thought to be a challenge in the case of the safe-conduct, as it is by nature an ephemeral document: there was no need for the recipient to maintain it after its use. But substantial runs of safe-conducts are not difficult to identify when produced by an institution that kept registers of the documents that it issued.⁴⁰ The sections that follow consider the examples of two regions with precocious royal bureaucracies that practiced forms of registration from the early thirteenth century: England and the Crown of Aragon.⁴¹

38 Russian Primary Chronicle, Laurentian Text, s.a. 6453 (945), trans. S. H. Cross – O. P. Sherbowitz-Wetzor (Cambridge, Mass.: 1953) 74; cit. Bognetti, “Note” 280–281, 284.

39 Above, n. 36: ‘diligenter debeat eos interrogare unde sint’. Bognetti, “Note” 398, seems to suggest that interrogation was a *substitute* for a document. Documents and third-party oaths were alternatives for identifying captives in a Pisa-Tunis treaty of 1157: *I diplomi arabi* no. 2.6; cit. Bognetti, “Note” 398n2.

40 Pace Groebner, *Who Are You?* 159.

41 Cf. Groebner, *Who Are You?* 158. The Angevin chancery offers another opportunity for an examination of a substantial cache of thirteenth-century safe-conducts; e.g., *I registri della cancelleria angioina*, vol. 1, 1265–1269, ed. R. Filangieri (Naples: 1950) nos. 5.171–267.

The concept of royal protection in England has a rich historiography, starting with discussions of Anglo-Saxon *grid* and *mund*.⁴² Safe-conducts, however, are a fairly late development in the surviving record, emerging only with the bureaucratic revolution of the late twelfth century and the registration of these documents on the chancery rolls, which included full copies and abbreviations of documents issued in the king's name.⁴³ While the issuance of safe-conducts in earlier periods is possible,⁴⁴ study of the earliest rolls reveals a period of experimentation—the creation, in fact, of a new type of document.

The earliest surviving charter rolls cover the first two years of the reign of King John, 1199–1200 and 1200–1201. Confirmations of royal grants make up the vast majority of entries. But interspersed are other sorts of documents, the most common of which are grants of royal protection, which amounted to non-interference by royal officials and exemption from lawsuits. Already in the first roll a certain degree of standardization is evident, with two-thirds of such grants following two very similar formulas.⁴⁵ Furthermore, the reverses of the membranes of the first year, where more miscellaneous documents are recorded, includes not only the usual copies or abbreviations, but memoranda that refer to documents and single out passages that the recipient wanted (and paid to have) recorded: 'Walter de Cantilupe has letters patent of protection. And at the end of these letters it says that that Walter cannot be sued

⁴² Classically, Goebel J., *Felony and Misdemeanor: A Study in the History of English Criminal Procedure* (New York: 1937) 423–440.

⁴³ Vincent N., "Why 1199? Bureaucracy and Enrolment under John and His Contemporaries", in Jobson A. (ed.), *English Government in the Thirteenth Century* (Woodbridge: 2004) 17–48.

⁴⁴ Henry of Blois, bishop of Winchester, communicated with Abbot Suger about acquiring what are clearly letters of safe conduct from the countess of Flanders for her territories (*English Episcopal Acta*, vol. 8, *Winchester 1070–1204*, ed. M. J. Franklin (Oxford: 1993) no. 110 (1148x49)). *Anglo-Scottish Relations, 1174–1328: Some Selected Documents*, ed. E. L. G. Stokes (London: 1965) no. 3 confirms 'omnes libertates et rectitudines plenarie quas antecessores sui habere solebant eundo ad curiam antecessorum nostrorum et stando ad curiam et redeundo a curia', but this details payments and supplies, and the *conductus* referred to is the noble escort.

⁴⁵ 'Sciatis nos suscepisse in manum, custodiam, et protectionem nostram [var: in nostra propria manu, custodia, et protectione] . . . : for institutions, *RC* 1b, 9b, 18a (*recepisse*), 18b, 20b, 21a, 25a, 37a, 55a, 68b (*accepisse*), 77b, 94b (*recepisse*) . . . ; for individuals, *RC* 5a, 23a, 34b, 44a, 62b, 66b, 75a, 80b. 'Sciatis quod suscepimus in manum [et custodiam] et protectionem nostram . . .' (or in the ablative): *RC* 4b, 17b–18a, 40a, 68b, 75a, 79b, 81a. Cf. *RC* 12b, 17a, 27a, 41b, 43b, 68a, 73b, 80b, 81a, 88a, 96b.

concerning his property'. Note that this phrase assumes clerical knowledge of the category 'letter patent of protection'; there was no need to copy it out, even in abbreviated form. Even more striking is a briefer notation, which reads in its entirety: 'Margaret daughter of Richard of Vernon has letters of simple protection'.⁴⁶ The 'letter (patent) of simple protection' was evidently another type of document that chancery clerks would have recognized. Documents of protection are well attested in earlier reigns; by 1200 they were standard fare.⁴⁷

The same cannot be said of documents referring to safe conduct, which appear much less frequently in these two rolls, and are much more varied in form. The first is a grant in July 1199 to Jacob, the 'archpriest' of the Jewish community. At the same time that he received a charter confirming his office from the recently crowned king, a separate safe-conduct was issued. It ordered anyone who read the letter to grant Jacob passage (*transire et conduci faciatis*) and not to bother him in any way.⁴⁸ Here the notion of protection in transit is separated from general protection. In the next month, two documents for a Flemish merchant show this same separation. A general grant of protection allows him to move his merchandise freely; a second document grants him *salvum conductum* through all royal territory.⁴⁹ A French merchant received a different type of document, granting *salvum ire et salvum venire*; another, for one Hugh de Courterne, used a slightly different formula and introduced a time limit.⁵⁰ Thus in the first year of the reign of King John, documents granting safe conduct existed, but did not yet have a fixed form.

A stable documentary form is similarly absent in the case of ambassadors. Consider a trio of documents issued in January 1200. One, addressed to a Castilian embassy, introduced a noble escort and asked that they be trusted. The second two, one addressed to ecclesiastical officials and the other to bailiffs, request provision of aid to a Portuguese embassy as it crosses their lands.

⁴⁶ RC 59b: 'Walterus de Kantilupo habet litteras de protectione patentes. In fine autem litterarum continetur quod idem Walterus non trahatur in placitum de aliquo tenemento suo [...]'; 'Margareta filia Ricardi de Vernon. habet litteras de simplici protectione'. Other 'letters (patent) of simple protection': RC 60b, 61a, 77b, 96a, 96b... Other 'letters patent of protection': 59b, 60a, 60b, 62b....

⁴⁷ E.g., *Regesta regum Anglo-Normannorum: The Acta of William I (1066–1087)*, ed. D. Bates (Oxford: 1998) nos. 1, 10, 132. Cf. for Scotland Harding A., "The Medieval Brieves of Protection and the Development of the Common Law", *Juridical Review*, ns, 11 (1966) 115–149.

⁴⁸ RC 6b–7a. The first document already protected him against molestation or injury with respect to the office; it refers back to a charter of Richard I, while a similar reference is absent from the safe-conduct.

⁴⁹ RC 12b–13a.

⁵⁰ RC 16b, 61a; cf. 60b–61a. My thanks to Nicholas Vincent for help on this point.

None of these, however, mention protection or safe conduct.⁵¹ An embassy could produce such documents, if they were detained by officials, in the same way as safe-conducts, and to the same effect; but the texts express positive support rather than non-interference.

In the second year, there is a distinct increase in the number of safe-conducts enrolled, all of which are on the dorse and seem to be notations of things entered on a separate set of records, the patent rolls, lost for these years.⁵² That alone is an indication of the emergence of a particular kind of document: the chancery clerks began to think of the safe-conduct as a thing that belonged in a certain place in their record-keeping universe. References also appear to 'letters patent of safe conduct', along the lines of the references to 'letters patent of protection' from the first year. Thus a retainer of the king's nephew 'has letters patent of the lord king concerning having safe conduct through all the lands of the lord king in coming and going to and from Brittany without interference'. A brief note says simply 'The count of St. Gilles has letters patent of the lord king of conduct'. And a transcript of a document ordering the appearance of a group of burghers at the royal court refers to a separate safe-conduct that they have been sent.⁵³ This all suggests that there was a thing—the safe-conduct document—coming into being.

And there is more precision. Consider the case of embassies. The records for year 1 preserved only a notice of escort and orders to offer support to envoys. In year 2, by contrast, John orders the viscount of Limoges to come to him safely and grants him what is clearly safe conduct: *vobis salvum ire, stare et redire damus*. He sends a noble escort to a rendezvous point, ordering that the viscount come to that place safely (*secure*).⁵⁴ In October, the documents were even more precise. John orders a Welsh prince, Gruffudd ap Rhys: 'that you come safely to us, since we have received you in our safe conduct in coming to us and returning'. On the same day, in a different document, he informs border officials that 'I have given him safe conduct'.⁵⁵

⁵¹ *Foedera*..., ed. T. Rymer, 4 vols. (London: 1816–69) vol. 1, 76 (for the correct date, cf. *RC* 58b).

⁵² *RC* 96a–104a, *passim*. One, for Petrus de La Charde, also appears on the face (*RC* 77a–b, 98b).

⁵³ *RC* 96a ('habet litteras domini Regis patentes de salvo conductu habendo per omnes terras domini Regis in eundo et redeundo in Britaniam sine impedimento'), 97b ('Comes Sancti Egidii habet litteras domini Regis patentes de conductu'), 97b ('et ut secure [in conductu] ipsius ad nos venire possitis litteras nostras patentes vobis mittimus').

⁵⁴ *Foedera* vol. 1, 80.

⁵⁵ *RC* 98b (= *Foedera* vol. 1, 81): 'quod secure venias ad nos quia receperimus te in salvo conductu nostro in eundo et et [sic] redeundo ad nos'; 'dedimus ei salvum conductum'.

In the very next week, John wrote to the king of Scotland that he had earlier sent an escort (*conductus*), but had just learned that the Scottish king was unaware of this mission; a contemporary chronicle reports that it was a seven-man embassy ‘with royal letters patent of safe conduct’. He was now sending an additional escort, ‘offering through them and through these our letters patent safety to you and to those whom you bring with you, offering passage (*conductus*) in coming to us and remaining at our court and safely and securely returning to your lands’.⁵⁶ Here we see the interplay between the human and the documentary elements of safe conduct. An escort alone was insufficient; it had to be accompanied by a letter patent. In the document mentioned above for the viscount of Limoges, the king granted safe conduct, but for greater safety (*ad majorem securitatem*), he sent a noble escort.⁵⁷ Conversely, a grant to a (different) Welsh prince reads: ‘we have received [them] in our *conductus*.... allowing that they should come and go freely. Wherefore for the greater safety (*ad majorem... securitatem*) of Llewelyn and his retinue, we have also granted them this our document as evidence’.⁵⁸ The king had always been able to grant safe conduct and protection. Around 1200, a document became an important part of that process.

An examination of the fuller texts that have been preserved—around twenty for year 2—reveals, however, a dizzying array of formulas (Table 10.1). Sometimes the safe-conduct is addressed to the beneficiary, but usually to the officials. Sometimes it describes the action (you should let so-and-so come and go safely), sometimes it reifies it (I grant safe conduct). A pair of safe-conducts, granted one day apart, to the earl of Orkney and his chaplain read completely differently.⁵⁹ All this points to the origin of a new sort of documentary form. On the one hand, the document is clearly distinct from the action: the king grants safe conduct, but he also grants a document recording that fact. On the other hand, there is no settled formula, which is highly significant in the world of formula-bound chancery clerks.

56 Roger of Hoveden, *Chronica*, s.a. 1200 (Rolls Series 51.4:140): ‘cum litteris regiis patentibus de salvo conducto’. *RC* 99a (= *Foedera* vol. 1, 81): ‘per ipsos et per has litteras nostras patentes, salvum vobis et hiis quos vobiscum ducetis conductum praestantes ad nos veniendi, et in curia nostra moram faciendi, et salvo et secure in partes vestras redeundi’.

57 *RC* 97a.

58 *RC* 103a: ‘nos suscepisse in conductum nostrum... Unde ad majorem ipsius Lewelini et suorum securitatem eis super has praesentes litteras nostras indulgemus in testimonium’.

59 *RC* 100a.

TABLE 10.1 *Safe conduct formulas in the Charter Roll for 2 John (1200–1201)**Addressed to beneficiary*

viscount of Limoges	salvum ire, stare, et redire damus (RC 97a)
count of Angoulême	sub eadem forma (97a)
Jean de Courcy	Sciatis quod... tibi conductum salvum probeant (98b)
Gruffudd ap Rhys, prince of Deheubarth	recipimus te in salvo conductu nostro (98b)
William, king of Scotland	salvum... conductum prestantes (99a)

Addressed to officials

Donatus Walli., burgher of Castille (merchant)	concessimus... quod possit salvo ire et redire (96b)
Roderic de Raston (?)	mandamus... quod... libere et sine omni impedimento... ire et redire permittatis (96b)
Gruffudd ap Rhys, prince of Deheubarth	dedimus... salvum conductum nostrum (98b)
Martin Nazarenus (?)	mandamus... quod faciatis habere... salvum ire et salvum redire (98a)
Petrus de La Charde of Pamplona (merchant)	sciatis.... quod possit salvo venire (77a–b, 98b)
Harald, earl of Orkney	noveritis... salvum... prestamus conductum... salvum et securum prestetis conductum (100a)
Adam, chaplain of earl of Orkney	sciatis... in salvo conductu nostro recepimus... in salvo conducto nostro recipiatis (100a)
Buffat. de Bello Castello (merchant)	concessimus... quod habet salvum ire et salvum redire (100a)
Philip, bishop of Durham	mandamus... salvum ductum prestare faciatis (100b)
Ralph de Hampton, <i>magister</i>	sciatis quod.... salvum dedimus conductum (103a)
Berengaria, widow of Richard I	mandamus quod... salvum et securum conductum habere faciatis (103a)
Llewelyn, prince of Gwynedd	noveritis nos suscepisse in conductum nostrum... permittentes quod salvo ibunt et redibunt (103a)
viscount of Thouars	sciatis nos suscepisse in conductum nostrum... in conductum suum recipient (103a)
Grossus, <i>miles</i>	sciatis.... sub nostra suscepimus protectione et conductu (103a–b)

Three other things from these first two rolls deserve note. The first is the time limit. As mentioned above, in year 1 Hugh de Courterne received a safe-conduct with a time limit, for five months. Year 2 offers more. The king granted a serjeant a safe-conduct for twelve days; a master for a month, but starting a week after the issue of the document. For a Welsh prince, it was for a little under a year, but again starting a week in the future.⁶⁰ This is particularly relevant to understanding documentary practices surrounding safe conduct, as it is difficult to imagine how these sorts of precise deadlines would be enforced without documents.⁶¹

A second notable element is the phrase *lator(es) praesentium*: the bearer(s) of these letters. A common phrase in medieval epistolography, it has particular relevance for safe-conducts.⁶² A merchant of Pamplona received a safe-conduct; the document is addressed to royal officials, but the merchant is identified as the *lator praesentium*. The same is true in a safe-conduct issued to a royal knight: addressed to the officials, it is in the possession of the beneficiary.⁶³ As seen above in the case of Gruffudd ap Rhys, it was possible to issue two documents related to safe conduct: one for the bearer, one for the officials. And a traveler might conceivably carry a simple copy of a letter addressed to officials. But *lator praesentium* is a more elegant bureaucratic solution.

Third, as noted, scholarship on the recipients of safe conduct has focused on ambassadors, pilgrims, merchants, scholars, and clergy. Examples of the last three appear even in the small sample under consideration (Table 10.1). The royal knight and the serjeant are worthy of note as falling outside of these categories: it was perhaps the particular Anglo-French nature of John's realm that put insiders in the position of outsiders. But the most frequent beneficiaries were instead high nobles summoned, or traveling, to the royal court: two viscounts, a count, two Welsh princes, an earl, and a king. John even granted a safe-conduct to his sister-in-law, Berengaria; a few years later, he provided one to his actual sister, Eleanor.⁶⁴ John was in the thick of all sorts of conflicts during these years, so requests for safe conduct were perhaps understandable. But the use of documents at this level is striking. Noble safe conduct had long been

60 Above, at n. 50; *RC* 97a, 103a (two).

61 Earlier scholarship noted the importance of time limits, but not the necessary connection to documents; see, e.g., Bognetti, "Note" 400–401; Wiederkehr, *Das freie Geleit* 39–40.

62 E.g., *RC* 58a, 68a, 100a; see also Brandileone, "La clausola".

63 *RC* 77a–b, 98b, 103a–b.

64 *RC* 103a; *Foedera* vol. 1, 94.

guaranteed by armed retainers, hostages, oaths, or simple trust.⁶⁵ The fact that a document could be seen to make a difference suggests a remarkable shift in the role of the written word.

The remaining rolls from John's reign contain more of the same: abbreviated references implying a recognized type of document, but formulaic variety; time limits; the *lator praesentium* clause; and the same variety of recipients.⁶⁶ Fast forward a few years to the beginning of the reign of Henry III (1216–72) and the formula seems to have solidified. Rubrication highlights safe-conducts, distinguishing them from letters of protection. Clerks regularly abbreviated the entries, noting just the beneficiary, the time limit, and occasionally a purpose.⁶⁷ A fascinating entry from the very end of John's reign notes that 'because of the danger of the roads', the king sealed the safe-conduct with the privy seal rather than with the great seal. Pierre Chaplain suggested that royal letters were in danger of being intercepted, and a letter with the smaller seal would be more easily hidden.⁶⁸ This is perfectly plausible, although the apparent need to conceal a safe-conduct has implications for an understanding of documentary practice. On the one hand, it speaks against the idea that safe-conducts were purely for show, that they functioned simply by looking like a royal document. On the other, it raises the possibility that a safe-conduct might be of value to someone other than the named beneficiary.

Merchants and diplomats appear in great numbers; for the latter, requests for safe-conducts survive, along with notifications that the documents are forthcoming.⁶⁹ There are, however, many individuals who do not obviously fall into these categories, and this is a problem that needs further thought. The author of a study documenting the numbers of safe-conducts on the patent rolls over the period 1307–1452 notes a precipitous drop from the mid-fourteenth century; she suggests that at that point the common law was becoming sufficient protection for native English, making safe-conducts for

65 Fiesel, "Zum früh- und hochmittelalterlichen Geleitsrecht"; Kosto, *Hostages in the Middle Ages* (Oxford: 2012) 58–60, 79, etc.

66 *RC; Rotuli litterarum patentium in turri Londinensi asservati*, ed. T. D. Hardy, vol. 1, part 1 (only) (London: 1835). There are additional series of rolls for John's reign, which I have not surveyed carefully; see Vincent, "Why 1199?".

67 *Patent Rolls of the Reign of Henry III Preserved in the Public Record Office*, vol. 1, 1216–1225 (London: 1901), e.g., 35ff (rubrication), 150 (full text).

68 *Rotuli litterarum patentium 155a* ('propter viarum pericula'); Chaplain P., *English Diplomatic Practice in the Middle Ages* (London: 2003) 95–96.

69 E.g., *Foedera* vol. 1, 190, 211–212.

them unnecessary.⁷⁰ There might instead be bureaucratic reasons for the disappearance of a given type of document from a given type of register. Still, this question of who *needed* safe-conducts—rather than the usual one of who *received* safe-conducts—is an important one.

To summarize the findings for England: I argue here that we see around the year 1200 the creation of an English safe-conduct document; obviously there had been such documents before, on the continent, but the earliest rolls show a new documentary type developing in a specific documentary context where it had not previously been seen. Second, it is clear that documents of safe conduct seemed very much to matter. This is true even in contexts where one would not expect it, as with other rulers and high nobles. Third, a related point: safe-conducts benefited not just merchants and envoys, but a wider range of figures, who present somewhat of a puzzle. And fourth, time limits matter, and were central to the documentary practice.

3

A 1995 article and collection of documents devoted to the *guidaticum* by Robert Burns is fundamental for the study of safe conduct in the Crown of Aragon in the third quarter of the thirteenth century, and indeed in general.⁷¹ But *guidaticum*, or Catalan *guiatge*, which is freely translated in the article and elsewhere as ‘safe-conduct’ or ‘passport’, is a very capacious category, one that generally speaking is closer to the English grant of protection. The term normally appears alongside others in phrases such as ‘we guide and secure’ (*guidamus et assecuramus*),⁷² or, more commonly, ‘we receive and establish under our strong custody, protection, commendation, and *guiatge*.⁷³ Thus, as in the English case with protection, *guiatge* can be granted not only to a person or a group of persons,⁷⁴ but also to an institution. For example, in 1263, King

70 Lacey H., “Protection and Immunity in Later Medieval England”, in Lambert T. B. – Rollason D. (eds.), *Peace and Protection in the Middle Ages* (Toronto: 2009) 78–96, here 91.

71 Burns R. I., “The *guidaticum* Safe-Conduct in Medieval Arago-Catalonia: A Mini-Institution for Muslims, Christians and Jews”, *Medieval Encounters* 1 (1995) 51–113 [documentary appendix cited as *G*, with document number].

72 *G* 40.

73 *Diplomatarium of the Crusader Kingdom of Valencia: The Registered Charters of Its Conqueror Jaume I, 1257–1276*, ed. R. I. Burns, 4 vols. to date (Princeton: 1985–) [=D, cited by document number] 943, 944: ‘recipimus et constituimus sub firma custodia nostra, proteccione, commenda [commanda], et guidatico speciali’.

74 E.g., *D* 1075.

Jaume I took under his *guiatge* three churches. Similarly, a note in the registers says that Prince Pere *guidavit* two Muslim villages in Valencia. In another case, the king granted *guiatge* to a mill.⁷⁵ Obviously, churches and villages and mills cannot move, so *guidaticum* cannot simply translate as safe-conduct or passport.

The problem is that in many of the standard formulas for *guiatges* granted to persons, rather than to institutions, there is clear language of free movement. The king grants protection 'in coming and staying and going throughout all the places of our land and jurisdiction'.⁷⁶ Extended reading of these documents, however, suggests that the focus of this language is the person, not the act of moving. That is, a person would have *guiatge* even if she never left her village. For example, in 1271, the king gave *guiatge* to a man whom he at the same time granted permission to run a tailor's workshop anywhere in the city of Valencia. No movement here.⁷⁷ The same may even be true in the case of grants of *guiatge* that clearly refer to immigration. To take one example: the king informed his officials that he had granted *guiatge* to Muslims settling a town that he had just conquered.⁷⁸ The point is not so much the protection granted in traveling to the town; it is protection to allow the Muslims to live in the town. Or consider a grant of *guiatge* to two individuals accused of murder; they received protection 'in coming, staying, and returning' during the course of the trial, but obviously the royal officials were not letting them leave town.⁷⁹ Finally, there is a register note that refers to a Muslim judge receiving two *cartae guidatici*: one for himself and those 'who were going with him', another for his relatives who were remaining in Valencia. A *guiatge*, then, could apply equally to travelers, or to those who did not travel.⁸⁰

So in the Crown of Aragon, in contrast to the English case, there is no clear separation, even in the later thirteenth century, of documents granting protection from documents granting safe conduct in travel. The chancery recognized a documentary type: the register notes read *carta guidatici*⁸¹ or *instrumentum*

75 G 47; D 464, 594.

76 G 15 ('Ita quod possit ire, stare, et redire salve et secure per omnia loca'), 24 ('in eundo scilicet, stando, et redeundo per omnia loca terre et dominacionis nostre'). Cf. D 1422, a pardon, rather than a *guiatge*: 'sis salvus et securus per omnia loca domini regis patris nostri et nostra in eundo, stando, ac eciam redeundo'.

77 D 1168, 1169.

78 G 59. Cf. D 1356: 'intrare ... stare ac habitare'.

79 G 50: 'in veniendo, stando, et redeundo'.

80 D 792: 'omnibus illis qui secum ibant'.

81 Barcelona, Arxiu de la Corona d'Aragó, Cancelleria reial, Registres [= CR, online via <http://pares.mcu.es>] 16:202v; G 19. Cf. G 5: 'qui habet a nobis cartas guidatici'.

guidatichi, and notably there is often a reference to ‘the usual formula’ (*sub forma communi*).⁸² But these labels apply to a broad category of grants of protection, of which grants of safe conduct are a subset that can only be identified from the inclusion of particular details. ‘The usual formula’, while it includes the language about coming and going, is essentially a grant of protection. But to further complicate matters, there are documents that grant safe conduct that do not use the term *guiatge* or follow its formula; but nor do they follow a different formula, nor are they identified as a documentary type until the late fourteenth century, when, perhaps under broader European influence, the term *salvus conductus* appears,⁸³ making them very difficult to find in the masses of surviving records. In exploring the documentation of safe conduct in what follows, this study focuses on those *guiatge* documents that include evidence of movement, drawing some inferences from other *guiatge* documents, and adding what can be gleaned from some non-*guiatge* safe-conducts.

The recipients of safe-conducts have a slightly different profile than in the English sources. There are still many safe-conducts for merchants, who obviously moved, and in these the general free movement language gives way to language that makes a *guiatge* look more clearly like a safe-conduct. A strange one for a Muslim merchant only granted *guiatge* from the town of Moixent, near the frontier, to Valencia city, some 80 km to the north; he was on his own (*ad tuum redditum et fortunam*) in getting to Moixent; the safe-conduct was only valid for the last leg.⁸⁴ Another granted a dyer and his family safe travel to Almería, beyond to the Barbary coast, and on their return.⁸⁵ So merchants might benefit from general letters of protection, but also from specific letters of safe conduct.

Also as in the English case, the Aragonese registers show that the safe-conduct was one of a set of letters that an envoy might carry. In 1293, Jaume II sent one of his Jewish secretaries on a mission to the ruler of Tlemcen. The register has notes on three different documents: a letter of credence in Latin addressed to the ruler; a protocol, or instructions, in Catalan; and then, again in Latin, a safe-conduct. Note that this is a safe-conduct for the Iberian portion of the envoy’s journey; the African portion of the journey presumably would have required a safe-conduct from the king of Granada, an analogue

82 D 1282, 1283; G 20, 21. D 943, 944, may be good representatives of this ‘usual formula’.

83 Vincke J., “Europäische Reisen um 1400 im Spiegel aragonischer Empfehlungs- und Geleitbriefe”, in Bihler H. – Noyer-Weidner A. (eds.), *Medium aevum Romanicum: Festschrift für Hans Rheinfelder* (Munich: 1963) 345–377, here 353–354.

84 G 52.

85 G 54.

to one Jaume II issued on a separate occasion to Granadan envoys to protect them on their return trip. These diplomatic documents do *not* follow the usual *guiatge* formula, but are clearly safe-conducts, ordering officials to impose *nullum...impedimentum...in eundo*.⁸⁶

A category not seen in the English sources concerns modest individuals summoned to or coming to the royal court, often on judicial business. For example, a *guiatge* from 1280 granted safe conduct to one Mosse, a Jew of Tarazona, who ‘should come to us and speak the truth to us concerning the seizure of Junez, a Jew of Tudela’. Many other examples are less informative, saying simply that the individual is coming to discuss certain matters, or on certain business of profit to the king.⁸⁷ Another new category is pilgrims, which can be explained by geography: several common routes to Santiago de Compostela passed through Aragonese territory.⁸⁸ A third category absent from the English material concerns religious minorities: Jews and Muslims. Their prominence has in part to do with the fact that they are easier to find: previous scholars have mined the registers fairly systematically for them. But it also has to do with the fact that Jews and Muslims were a major concern of the crown, which exercised strict control on immigration, emigration, and internal movement.⁸⁹

The problem with working with the registers, of course, is that they are not the actual documents people carried around; they depict documentary practice one step removed.⁹⁰ Nonetheless, the registers do provide some useful information. As in the English case, safe-conducts had time limits, normally one or two months.⁹¹ That at least some people paid attention to these time limits is shown by three documents referring to one Ishmael de Portella.

86 CR 252:53r-v (Regné J., *History of the Jews in Aragon: Regesta and Documents, 1213–1327*, ed. Y. T. Assis [Jerusalem, 1978 (1910–25)] [=Regné, cited by document no.] 2481–2483). Similarly, CR 90:22v, 115 (Regné 2386, 2390, the latter with the wrong register number).

87 CR 48:138v (Regné 842): ‘debeat venire ad nos et nobis dicere veritatem super facto captio- nis de Junez judei Tudeli’. Cf. CR 48:10 (Regné 782); Regné 783, 1299, 3008, 3043, 3364.

88 Vincke, “Europäische Reisen” 355–356; Vincke J., “Geleitbriefe für deutsche Pilger in Spanien”, in Schreiber G. (ed.), *Wallfahrt und Volkstum in Geschichte und Leben* (Düsseldorf: 1934) 258–265.

89 E.g., Regné 1394, 1897, 2609, 2814...; Ferrer i Mallol M. T., *Els sarraïns de la Corona Catalano-Aragonesa en el segle XIV: Segregació i discriminació* (Barcelona: 1987), apèndix, nos. 9, 20, 32, 34...

90 Surviving single-sheet safe-conducts are unexceptional in appearance, although some show evidence of sealing: Barcelona, Arxiu de la Corona d’Aragó, Cancelleria reial, Cartes reiales, Pere III, 502, 602, 1186, 1187, 1189, 1360, 1536, 1648, 1739, 1741, 2026, 2159... (online via <http://pares.mcu.es>).

91 1 month/30 days: Regné 1299, 3008; Vincke, “Europäische Reisen” 353; cf. Regné 3130. 2 months: Regné 2998, 3345, 3364. 6 months: Regné 3207. 18 months: Regné 3023.

He received a *guiatge* for the purpose of coming to the royal court on 12 June 1311, valid for two months; on 5 August, a week before the expiration, it was extended through 1 November; then on 28 November, there is another note, itself referring to a document granting another prolongation for the month of November and adding 15 more days, to be counted from 1 December.⁹² Most generic *guiatge* charters—for protection rather than safe conduct—do not seem to have had time limits, although they appear to have been cancelled at each new reign, perhaps as a revenue raising tactic. But an open-ended *guiatge* could be cancelled even without a change of reign.⁹³ A North African merchant's document specified that if his travel permission were revoked, he had to leave the kingdom within two months.⁹⁴

The English material raised the possibility of multiple documents for a single grant of safe conduct. Although this does not seem to be a consistent practice in the Aragonese material, there is some evidence for it. In 1280, four Jews were ordered to report to a royal official. The registers note two separate documents: one the order to royal officials commanding them to allow safe passage; the other to the Jews, promising them safe passage.⁹⁵ The English sources also showed that need for two documents could be obviated by the *lator praesentium* model: giving the beneficiary a document addressed to the officials. That approach is also less evident in the Aragonese material, appearing in only a handful of *guiatge* documents,⁹⁶ although it seems to appear more consistently in safe-conducts that follow other formulas.⁹⁷

Surely the most interesting piece of evidence for documentary practice surrounding safe conduct in the Crown of Aragon is a grant from King Martí in 1404 to a Polish knight and a representative of the imperial court, presumably en route to Santiago de Compostela.⁹⁸ Addressed to Aragonese officials, it says that the travelers should be allowed to leave freely with their goods (presumably without paying duties), and that they should be provided with 'secure transit and conduct' (*de seguro transitu et conductu*). The grant was valid for

⁹² Regné 2925, 2932, 2960. Regné 2960 describes the November document, rather than the December extension: cf. CR 209:226.

⁹³ Burns, "The *guidaticum*" 87. E.g., CR 225:248v (Regné 3296): 'praesens autem guidaticum valere volumus donec ipsum [...] revocandum et erit per unum mensem postquam revocatione ipsa tibi fuerit intimata'.

⁹⁴ Regné 3284.

⁹⁵ CR 48:10 (Regné 782, 783). Cf. G 29: 'presentes littere... cum carta nostra ut in ea plenius continetur'.

⁹⁶ D 1356; G 49. In non-*guiatge* documents: CR 12:98v; D 220, 225.

⁹⁷ Vincke, "Europäische Reisen" 362, 370, 374n15; Vincke, "Geleitbriefe" 262–263 (nos. 1, 2).

⁹⁸ Vincke, "Europäische Reisen" 353–354.

one month and was to be retained by the last official to whom it was presented (*per illum vestrum cui ultimo presentabitur volumus retineri*). Consider some implications of that last phrase. First there is the fact that the officials were organized enough at the frontier to know who the last man was. Then there is the concern with letting the document itself leave the kingdom: Was the worry that they would reenter the kingdom, before the month was up? Or was it a concern with forgery? Whatever the reason, it is clear that the document itself—the material object—mattered.

To summarize the Aragonese evidence: In contrast with the English material, grants of safe conduct were spread across different documentary forms, forming a subset of the documents labeled *guidaticum* or *guiatge*, which cannot simply be translated as passport or even safe-conduct, but also appearing in ad hoc non-formulaic versions. Other conclusions, however, accord with the English case. Documents were not just used by merchants and envoys and pilgrims, but by all sorts of people—in England the high nobility was the surprise, here it is much more modest individuals. Time limits were crucial and were central to the documentary practice. And above all, documents themselves seem very much to matter.

4

What is missing in both the English and Aragonese evidence is *any* mechanism for the reader of a safe-conduct to know that the possessor, the *lator praesentium*, was in fact the person to whom it had been granted. Most of the documents adduced in this study predate even the proposed link between individual identification and clothing. So when it came to travelers with safe-conducts, the bureaucracy was ignorant: it had no way of knowing that the named person was the bearer of the document. It is important to note that this sort of ignorance was not a general problem with medieval legal documents: most functioned in small worlds, where individual identification could normally be provided by the local community. But the safe-conduct is a document almost by definition connected to an outsider, one not known to the community.

Certain segments of the secular and ecclesiastical nobility of Europe surely functioned as small worlds, and heralds could play some role in verifying who was who. Certain ethnic, religious, social, or official groups could be identified by dress, by signs or badges, or by bodily marks or other characteristics.⁹⁹ But looking at the problem of matching the individual to the safe-conduct from

99 Groebner, *Who Are You?* cc. 2–5, esp. 76.

the perspective of the documents themselves, perhaps the most consistent, and often only, marker of identity is town of origin. This is most consistently true in the Aragonese material; in the English material it occurs principally with merchants, who are associated with foreign towns. This pattern raises the possibility that markers of identity adhered to towns as much as to countries. A specific style of dress might be implicit in a toponymic identification, but so too might an accent or a dialect.¹⁰⁰ Of course that still would not narrow down an identification to the level of an individual. In some cases, one can imagine that an individual's affiliation was more important than his or her unique identity: if a safe-conduct applied to all merchants from Venice, it might not matter if one Venetian merchant was using the safe-conduct of another. But many safe-conducts, as seen, only made sense for unique individuals: who else could reasonably benefit from a safe-conduct issued to the king's sister? Law and administration necessarily recognized unique individuals in most contexts.¹⁰¹

The exactly contemporary Arabic evidence argues against the idea that the linkage of a unique individual to a document through distinguishing characteristics was simply an artifact of the rise of the modern state, or even just a development of the early modern era. We know that at least three European travelers knew of this technology of identification in the eighth century—and they were surely not alone. Furthermore, the idea that someone could be recognized by distinguishing characteristics is well attested outside documentary contexts as early as the early twelfth century, when it was reported that the antipope Clement III had had a portrait painted of Anselm, archbishop of Canterbury, so that his agents might recognize him, whatever clothes he was wearing as a disguise.¹⁰² It is clear that medieval European officials had the means. And there are indications from European sources, as seen above, that fraud was a concern, so they also had a motive.¹⁰³ The safe-conduct documents themselves, which survive in such great numbers, were the opportunity. But the only thing that links medieval European safe-conduct documents to their

¹⁰⁰ Bognetti, "Note" 455, suggests the possible role of accent.

¹⁰¹ On the complex relationship between the individual and the collective, see Groebner, *Who Are You?* 24–25, 43, 76, 161; Bedos-Rezak, "Medieval Identity" 1509.

¹⁰² William of Malmesbury, *Gesta pontificum Anglorum* 1.55, ed. M. Winterbottom – R. M. Thomson, 2 vols. (Oxford: 2007) vol. 1, 160; cit. Kartschke D., "Der ain was grâ, der ander was chal: Über das Erkennen und Wiedererkennen physiognomischer Individualität im Mittelalter", in Janota J. et al. (eds.), *Festschrift Walter Haug und Burghart Wachinger*, 2 vols. (Tübingen: 1992) vol. 1, 1–24, with other evidence mostly from literary sources; also Groebner, *Who Are You?* 82–83, 98.

¹⁰³ Above, at nn. 31, 39. See also Groebner, *Who Are You?* 166, 198.

bearers is a name. They are not a plausible antecedent of the modern passport as a personal identification document.¹⁰⁴

But then what were they? The nature of the medieval evidence leaves many questions unanswered. The exact procedural frameworks for these documents remain obscure: How exactly were they acquired? verified? enforced? What happened in case of violation? Were they ever adduced in court? Despite formal similarities, were there different systems for commercial and political safe conduct? Equally obscure is the rationale behind them. Revenue is always a reasonable explanation for any bureaucratic initiative, but while we know that Bernard and his companions had to pay for new safe-conducts at Alexandria, no documents reveal the financial aspects of a medieval European system.¹⁰⁵ Or safe-conducts might be understood as an element in a system of control for its own sake, as an expression of power, of a bureaucracy's right to grant protection in a certain jurisdiction—hence the relevance of scholarship on the *Geleit*,¹⁰⁶ and a possible explanation for the time limits. A safe-conduct might also be seen as a form of political communication, both between kingdoms and between rulers and ruled.¹⁰⁷ But from a purely practical standpoint, the medieval safe-conduct failed to provide a solution for bureaucratic ignorance.

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Abbreviations

- CR Barcelona, Arxiu de la Corona d'Aragó, Cancelleria reial, Registres [online via <http://pares.mcu.es>].

¹⁰⁴ Robertson C., *The Passport in America: The History of a Document* (Oxford: 2010) 3. Groebner, *Who Are You?* 78, suggests that a name was seen as sufficient for identification in the fifteenth and sixteenth centuries.

¹⁰⁵ Bernard, *Itinerarium* 6–7, ed. 31: “dedit ei unusquisque nostrum pro se trecedim denarios, & fecit nobis litteras ad principem Babilonie.” Cf. Groebner, *Who Are You?* 202 (“Montaigne noted curtly that while the mandatory *bollette di sanità* were ubiquitous, they had nothing to do with fighting disease, but were rather a means of relieving travelers of their money”); Kaiser W., “Vérifier les histoires, localiser les personnes: L’identification comme processus de communication en Méditerranée (xvi^e–xvii^e siècles)”, in Moatti C. – Kaiser W. (eds.), *Gens de passage en Méditerranée de l’Antiquité à l’époque moderne: Procédures de contrôle et d’identification* (Paris: 2007) 369–385, here 378 (“Le but est la vérification des indications données par les captifs … afin de contrôler la capacité de rembourser le rachat”).

¹⁰⁶ Above, nn. 14, 28.

¹⁰⁷ Groebner, *Who Are You?* 168–169; Kitzinger, “*Cum salvo conductu*”; Kaiser, “Vérifier les histoires”.

- D *Diplomatarium of the Crusader Kingdom of Valencia: The Registered Charters of Its Conqueror Jaume I, 1257–1276*, ed. R. I. Burns, 4 vols. to date (Princeton: 1985–).
- G Burns R. I., “The *guidaticum* Safe-Conduct in Medieval Arago-Catalonia: A Mini-Institution for Muslims, Christians and Jews”, *Medieval Encounters* 1 (1995) 51–113.
- MGH *Monumenta Germaniae historica* (Hanover, etc., 1862–), with standard sub-series abbreviations [online via www.dmgm.de]
- RC *Rotuli chartarum in turri Londinensi asservati*, ed. T. D. Hardy, vol. 1, part 1 (only) (London: 1837).
- Regné Regné J., *History of the Jews in Aragon: Regesta and Documents, 1213–1327*, ed. Y. T. Assis (Jerusalem, 1978 [1910–25]).

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International Crises as Experience of Non-Knowledge: European Powers and the ‘Affairs of Provence’ (1589–1598)*

Fabrice Micallef

Political crises disturb ordinary temporal settings; new political actors emerge, linking previously unconnected individuals, establishing an enduring feeling of uncertainty.¹ That is why political crises constitute a cognitive challenge for those who try to observe and understand them.² Thus, the experience of crisis is an experience of ignorance, of misunderstanding, and of misinterpretation. That risk of misinterpretation implies a political risk, especially when the observers concerned have political interests at stake and have to make choices appropriate to the situation at hand. In that case, overcoming non-knowledge becomes imperative. In this article, I would like to study the way in which political actors experienced non-knowledge at the end of the sixteenth century, when they were faced with an international crisis.

In order to do this, I would like to focus my attention on a series of crises which were called the ‘Affairs of Provence,’ lasting from 1589 to 1598. At the end of the French Wars of Religion, Provence was devastated by conflicts between two parties. On the one hand, the ‘Royalists’, Protestants and moderate Catholics, were supporters of King Henry IV. On the other hand, the League, composed of intransigent Catholics, rejected Henry IV as a heretic. These radical Catholics

* Abbreviations: AD BdR = Archives départementales des Bouches-du-Rhône; AGS = Archivio general de Simancas; ASFi = Archivio di Stato di Firenze; ASVe = Archivio di Stato di Venezia; ASVat = Archivio Segreto Vaticano; BnF = Bibliothèque nationale de France; NAF = Nouvelles acquisitions françaises.

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called upon foreign Catholic powers for help.³ The provincial Estates called upon the Duke of Savoy, Charles-Emmanuel, for military intervention, which he led in Provence from 1590 to 1592; the towns of Marseille and Arles asked for Pope Sixtus V's protection in 1590; Philip II of Spain took Marseille under his protection in 1596; the Grand Duke of Tuscany maintained a garrison on the island of If off Marseille from 1591 to 1598; the Venetian Republic, England and the Ottoman Empire were also diplomatically or militarily involved, mostly for anti-Spanish purposes. After several years of war, Provence was pacified in 1598, owing to the fact that many members of the League had been gradually joining Henry IV after his conversion to Catholicism in 1593.⁴

So, these years of international conflicts were also years of very complicated diplomatic intrigue, with many spectacular unforeseen developments in which the political actors of Provence, such as its towns, the parliament of Aix, and the provincial Estates, played a crucial and previously unseen part. This situation disturbed the ordinary framework of diplomacy, and, as such, it constituted a cognitive challenge for the actors and observers involved.⁵ The main questions that I wish to raise in this article are: how did that cognitive challenge arise? How did the actors in question overcome it? Which part did categories of knowledge of this period play, such as *sapienza*—theoretical knowledge—and *prudenza*—empirical knowledge?⁶

In the first part of this work, I will consider several aspects of the cognitive challenge for the observers, mostly diplomats and princes. In the second part, I will describe the material means and intellectual strategies of these observers to overcome that challenge. To conclude, I will focus on the specific case of the actors of Provence, who experienced their own cognitive challenge and had their own intellectual strategies. This is because, in order to understand the epistemic conditions of a political crisis, it is important to consider the cognitive challenges created not only by the events themselves, but also by

³ About the French national context: Holt M., *The French Wars of Religion, 1562–1629* (Cambridge: 2005).

⁴ Kaiser W., *Marseille au temps des troubles. Morphologie sociale et luttes de factions, 1559–1596* (Paris: 1992); Micallef F., *Un désordre européen. La compétition internationale autour des 'affaires de Provence' (1580–1598)* (Paris: 2014); Wilkinson M., *The last phase of the League in Provence* (London – New-York: 1909).

⁵ About the political difficulties caused by the emergence of new actors on the international stage, see: Badie B., *Le diplomate et l'intrus* (Paris: 2008).

⁶ De Mattei R., "Dal primato della sapienza al primato della prudenza nel dottrinari smo politico politico del Cinque e Seicento", *Giornale politico della filosofia italiana* 4 (1976) 116–127; Descendre R., *L'état du monde. Giovanni Botero entre raison d'État et géopolitique* (Geneva: 2009).

the repercussion of how the different actors involved divergently perceived those events.

1 Words of Non-Knowledge

The vocabulary of the observers' diplomatic correspondence expressed the cognitive shock which they experienced when they heard news from Provence. The word 'accident' was mostly used to describe unforeseen and abrupt events. For example, in April 1590, the Venetian Senate wrote about 'the accident of Provence's offer' when it heard that the towns of Marseille and Arles had called upon the Papacy for protection.⁷ In June 1591, the Venetian ambassador in Turin wrote about 'many contradictory accidents which daily arose' in Provence.⁸

Other passages gave clearer expression to the cognitive challenge being faced. In May 1590, the vice-legate of Avignon wrote that the 'affairs of Marseille were in great confusion'.⁹ And in June of the same year, the Venetian ambassador in Rome wrote about the 'muddled affairs' of Marseille.¹⁰ They also often voiced how surprised they were. In April 1591, Henry IV wrote that he was amazed by the entry of the Duke of Savoy into Marseille with the support of the local population: 'I was astounded when I heard that the people of Marseille welcomed him into their city'.¹¹ In May of the same year, the Duke of Mayenne, the leader of the French Catholic League, wrote to a lord of Provence about how surprising the news about Provence's political situation was to him: 'I found what your secretary told me so strange and so far from the idea I until now had about the affairs of the country, that at first I was incapable of believing it'.¹²

⁷ Venetian Senate to Alberto Badoer (ambassador to Rome), 21 April 1590, ASVe, Senato, Roma ordinaria, 8, fol. 12r.

⁸ Alvise Foscari to the Senate, 13 May 1591, ASVe, Dispacci degli ambasciatori al senato, Savoia, 12, fol. 44bis: 'molti contrari accidenti che occorrono'.

⁹ Domenico Grimaldi to Cardinal Montalo, 18 May 1590, ASVat, Segreteria di Stato, Avignone, 19, fol. 32r: 'In Marseglia, le cose sono in confusione'.

¹⁰ Badoer to the Senate, 2 June 1590, ASVe, Dispacci degli ambasciatori al senato, Roma, 25, fol. 213: 'le cose sono scompigliate'.

¹¹ Henry IV to the Duke of Montmorency, 12 April 1591, Berger de Xivrey J. (ed.), *Recueil des lettres missives de Henri IV. Tome 3, 1589–1593* (Paris: 1846) 374: 'J'ay esté esbahy que ceulx de Marseille l'ayent admis dans la ville'.

¹² Duke of Mayenne to the Count of Carcès, 18 May 1591, Loriquet C. (ed.), *Correspondance du duc de Mayenne, publiée sur la manuscrit de la bibliothèque de Reims* (Reims: 1862)

Onlookers also expressed their uncertainty about accounts of the events because information from Provence was often incomplete. For example, in December 1593, Henry IV wrote that he had heard of a revolt of Provence's noblemen against their governor, the Duke of Epernon: 'I am not well enlightened about the core of this affair, so that I cannot yet make any judgment'.¹³ Observers also expressed their doubts about the events to come as well. For example, in April 1590, the Venetian ambassador to Rome, writing about the potential dispatch of papal troops to Provence, reported that 'no one could be sure of what will happen next'.¹⁴ A few weeks later, writing about unproven Spanish preparations to attack Provence, he noted, 'everyone is waiting for what will happen next'.¹⁵

Moreover, even if information was verified, its interpretation could be difficult and provoke debates between observers. In May 1590, the Venetian ambassador to Rome wrote that there were many debates between members of the papal curia in order to determine how to interpret the fact that people of Marseille had yelled 'long live the parliament' when pro-Savoyard troops had entered the city a few weeks before. Roman observers could not decide whether it was a sign of a local allegiance to the Duke of Savoy or not.¹⁶ Additionally, onlookers were confronted with their misreadings of Provence's individual and institutional political actors, which could also result in confusion. For example, at the beginning of the crisis in 1590, the Venetian ambassador to Turin was incapable of clearly differentiating between the council of Aix (which was a municipal power), the Parliament of Aix (a court of justice), and the provincial Estates, which were the assembly of representatives of the three orders.¹⁷ Because of this confusion, this observer often delivered mistaken analyses about the power struggles in Provence.

vol. 2, 237: 'j'ay trouvé tout ce que m'a rapporté vostre secretaire si estrange et si esloigné de ce que j'avois estimé de l'estat des affaires de delà jusques à maintenant, que je n'ay peu d'abordée apporter creance'.

¹³ Henry IV to André Hurault de Maisse, 27 December 1593, BnF, NAF 6984, fol. 307r: 'Je ne suis pas encorres bien esclaircy du fonds de ce faict, de sorte que ie n'en puis faire aucun iugement'.

¹⁴ Alberto Badoer to the senate, 14 April 1590, ASVe, Dispacci degli ambasciatori al senato, Roma, 25, fol. 108.

¹⁵ Idem, 19 May 1590, ibidem, fol. 184: 'Hora si starà aspettando d'intendere cio che seguira'.

¹⁶ Idem, 26 May 1590, ibidem, 25, fol. 198.

¹⁷ I observed such confusion in many letters: Alvise Foscarini to the Senate, 9 March 1590, ASVe, Dispacci degli ambasciatoria al senato, Savoia, 11, fol. 3; idem, 12 March 1590, ibidem, fol. 5; idem, 15 March 1590, ibidem, fol. 6; idem, 19 March 1590, ibidem, fol. 8.

This widespread ignorance was a very serious handicap in coming to decisions. Making political or military choices without a deep knowledge of Provence's situation was totally contrary to the culture of prudence, which was very widespread among political rulers in that time. We can see this by the sluggish pace of many deliberations concerning the affairs of Provence. The Catholics of Arles called upon Pope Sixtus V for his protection in January 1590. Their deputies reached Rome in February, but the Pope hesitated for two months before giving a positive answer in April.¹⁸ In 1591, the Spanish council pondered from the end of April to the beginning of June before deciding to send troops to Provence.¹⁹

2 Strategies of Understanding

We can therefore determine how deep the cognitive challenge was and how difficult it made decision-making. How did European powers overcome that cognitive challenge? At first, they tried to strengthen their networks of information about Provence.²⁰ In Spring 1591, Philip II of Spain demanded 'to be kept updated by the hour about accidents which daily ar[o]se' in Provence.²¹ Because of the numerous unexpected events, the temporality of information had to be adapted. For that purpose, the Italian and Spanish powers demanded more information than usual from their agents who were near Provence, such as papal agents in Avignon, or ambassadors in Turin. For example, in March 1590, Pope Sixtus V summoned Avignon's archbishop to Rome 'in order to obtain better information about the affairs of Provence'.²² Moreover, foreign powers were informed by special agents they had sent to the county. Philip II received reports from the general of the troops he sent to Provence in summer

¹⁸ Micallef, *Un désordre européen* 115–116.

¹⁹ Ibidem 166–169.

²⁰ About the strategies of information during international crises, see: Petitjean J., *L'intelligence des choses. Une histoire de l'information entre Italie et Méditerranée, XVI^e–XVII^e siècles* (Rome: 2013).

²¹ Alvise Foscari to the Senate, 23 June 1591, ASVe, Dispacci degli ambasciatoria al senato, Savoia, 12, fol. 61: 'restar interamente informata di hora in hora delli accidenti che occorrono giornalmente'.

²² Alberto Badoer to the Senate, 21 April 1590, ibidem, Roma, 25, fol. 111: 'havendosi massimamente inteso l'arcivescovo di Avignone essere chiamato à Roma per haver miglior informatione delle cose di Provenza'.

1591.²³ The Grand Duke of Tuscany sent a special agent to Marseille at first, and then he was informed by the commander of the garrison he maintained on the island of If off Marseille.²⁴ Observers also tried to take advantage of the presence of envoys from Provence in Italian and Spanish courts, by asking them for fresh reliable news about the situation. Therefore in April 1591, a magistrate of Aix, sent by the parliament, came to Rome. He was assailed with questions by members of the curia, as well as French and Spanish diplomats, and he dispelled rumours that a Savoyard garrison had occupied Marseille. 'He clearly reported the latest events of Marseille very differently than Savoyards and their supports had done, saying that the Duke of Savoy only came into the city in order to board his galley, and that nothing changed in the situation of the city'.²⁵ Thus the first response to a cognitive challenge was a reorganization of the information network involved.

However, there is a more important question: how did these observers overcome issues of informational misinterpretation? Sometimes they used theoretical or erudite knowledge, *sapienza*. In this case, they tried to understand the muddled situation of Provence by help of erudite and essentialist commonplaces. For example, Henry IV, in some letters, analysed the numerous unforeseen developments of the political situation of Marseille referring to a very widespread idea, the unstable and irrational nature of people, which was seen as fickle and always eager for political innovations. For example, in February 1591, he explained the welcome of the Duke of Savoy by the people of Marseille in terms of, 'the desire for innovations which people gladly use to embrace'.²⁶ That was a frequent humanist trope, very present in Machiavelli's

²³ For example: Cesare de Avalos to Philip II, 4 March 1592, Aix-en-Provence, AGS, Estado, 169, no. 103.

²⁴ For example: Pierpelatti to Ferdinando de' Medici, 10 November 1590, Marseille, ASFi, Mediceo del principato, 6054, fol. 47r; Montauto to Ferdinando de' Medici, 5 December 1591, Castle of If, ibidem, 6054, fol. 241r; idem, 10 May 1592, Castle of If, ibidem, 6059, fol. 36r.

²⁵ Alberto Badoer to the Senate, 6 April 1591, ASVe, Dispacci degli ambasciatori al senato, Roma, 27, fol. 102: 'chiaramente conta il successo di Marseglia diversissimo da quello che dicevano Savoiardi et suoi fautori, volendo dire in fine che non sia stato altro che passata del duca per imbarcarsi sopra la sua galea, restando nel resto la città nel termine che l'era prima'.

²⁶ For example: Henry IV to André Hurault de Maisse, 17 February 1591, BnF, NAF 6982, fol. 335v: 'le desir de nouveauté que le peuple embrasse volontiers'. See also: idem, 9 December 1591, BnF NAF 6983, fol. 212v.

or Jean Bodin's works, influenced by Roman authors such as Livy.²⁷ Moreover, there was a very ancient stereotype about the specific natural temperament of southern people, especially of Provence, seen as moody, thanks to long-term interbreeding.²⁸ Thus, in March 1590, the general of the papal troops in Avignon, describing a disturbance in Aix, wrote to the curia that 'those who voted for calling the Duke of Savoy don't want it anymore, which doesn't surprise me, because it is a custom of this nation'.²⁹ Two weeks later, he wrote again: 'they never stay firmly in an opinion, which is their natural habit; they go which way the wind blows'.³⁰ In March 1592 the papal vice-legate in Avignon wrote to the curia: 'What they wanted in the morning, they don't want in the evening'.³¹ Because of this presumed unstable mood, observers used to think that the people of Provence had a natural tendency to revolt. For example, in March 1590 the Grand Duke of Tuscany wrote to a French ambassador: 'the disobedience of this province comes [...] from the people's hostility towards their rulers', which according to him explained Provence's confused situation.³²

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- ²⁷ Landi S., "Opinions et conflits. Une relecture des *Histoires de Florence* (Istorie fiorentine) de Machiavel", in Bourquin L. – Hamon P. – Karila-Cohen P. – Michon C. (eds.), *S'exprimer en temps de troubles. Conflits, opinions et politisation du Moyen âge au début du XX^e siècle* (Rennes: 2011) 25–49; Bodin Jean, *La République* (Paris: 1986; ed. of 1593): 'le naturel d'un peuple, dit Tite-Live, est insolent est debordé en toute licence quand les affaires se portent bien; aussi est-il tout soudain ravalé et abbatu d'une perte'.
- ²⁸ Kaiser W., "Les paradoxes d'une ville frontière. Conflits et compromis à Marseille au XVI^e siècle", in Chaix G. (ed.), *La Ville à la Renaissance. Espace, représentations, pouvoirs. Actes du 29^e colloque international des études humanistes, Tours, juillet 1996* (Paris: 2008) 285–307; Visceglia M.-A., "Gli humorî delle nazioni. La rappresentazione della Spagna nella Francia del primo Seicento (1590–1635)", *Dimensioni e problemi della ricerca storica* 2 (1995) 39–68. About the ancient reputation of Provence as an ungovernable province, see: Le Roux N., *La faveur du roi. Mignons et courtisans au temps des derniers Valois, vers 1559–1589* (Seysse: 2001) 565–567.
- ²⁹ Ippolito Visdomini to Cardinal Montalto, 10 March 1590, ASVat, Segreteria di Stato, Avignone, 19, fol. 179: 'quelli proprij che hanno dato il suo voto per mandar a chiamare il duca di Savoia non lo voriano più; cosa che non mi dà meraviglia per che è costume et solito di questa natione'.
- ³⁰ Idem, 24 March 1590, ibidem, fol. 211: 'non stano mai fermi in un proposito, come è solita natura loro, che voltano secondo il vento spira'.
- ³¹ Petrucci to Cardinal Aldobrandini, 15 March 1592, ASVat, Segreteria di Stato, Avignone, 17, fol. 813: 'quello che vogliono la mattina, non li vogliono la sera'.
- ³² André Hurault de Maisse (French ambassador to Venice) to Henry IV, 15 March 1590, BnF, NAF 6982, fol. 135r: '[le grand-duc] scait que la desobeissance de ceste province provient

Therefore we can see that onlookers used these commonplace tropes and stereotypes as natural and historical laws to interpret how the crises were developing.

But this did not manage to facilitate decision-making, because the outline of Provence's instability fixed the events in question into an atmosphere of irrationality. That is why observers mostly used a more empirical method, the close surveillance of events as they unfolded in order to have a better understanding of the motivation of the actors, with the goal of deducing more appropriate judgments. For example, in Spring 1590, the Archbishop of Avignon described the political situation in Aix very precisely:

Significant turmoil occurred in Aix a few days ago, between the party of the Count of Carcès and the party of the Countess of Sault, who was victorious thanks to the help of the people of the city, and they made numerous prisoners, among whom there were three of the parliament's councillors [...]; the Countess and her party want the Duke of Savoy, and the other party doesn't want him, [...] and this was the reason for their discord.³³

Through this description of several actors, this observer enabled his government to progressively understand that the debate in Aix about Savoyard protection was in fact a settling of scores between supporters of the municipality and supporters of the parliament. At the same time, from March to May 1590, the Venetian ambassador in Turin, Alvise Foscarini, gradually acquired accurate knowledge of several political factions in Aix, Arles and Marseille. He therefore became capable of explaining to the Senate that the Catholics of Provence who had called upon the Papacy's protection had not done so in order to abandon French obedience and choose another prince, but only in order to thwart possible Spanish or Savoyard attacks:

plus de l'inimité que le peuple porte à ceux qui y commandent que de mauvaise volonté à l'endroit de Vostre Majesté.

³³ Domenico Grimaldi to Cardinal Montalto, 6 January 1590, ASVat, Segreteria di Stato, Avignone, 17, fol. 469; idem, 24 March 1590, ibidem, 19, fol. 205: 'gran rumore occorso in Aix questi giorni passati, frà la parte del conte di Carcès et quella di Madama la contessa di Sault, quale è restata superiore col favor del popolo di quella città, et hanno fatto gran quantità di prigionieri, fra quali tre o quattro del parlamento; et si crede che sara fatto giusticia di alcuni. La contessa con la sua parte vogliono il duca di Savoia, et l'altra parte non vuole, così si dice chiaramente, et che quindi nasca questa divisione'.

The people of Aix try hard to be protected by the army of the Duke [of Savoy], so much so that the cities of Marseille and Arles, separate from the whole negotiation with His Highness, turned to His Holiness the pontiff, as I heard, not because they decided to give temporal obedience to the apostolic see, but in order to obtain His Holiness's protection in case the Spaniards tried to invade them to support the Duke's purposes.³⁴

In this way, the Republic could be reassured about the risk of French kingdom's dismemberment.

That gradually more nuanced understanding of the political situation in Provence can be observed in French and Spanish correspondence too. It was the Venetians, however, who were the most efficient in these cognitive strategies. Sometimes they applied methods of political analysis which were typically used in other contexts. For example, in a letter of 1595, Agostino Nani, a Venetian ambassador passing through Provence, painted a long descriptive and analytical picture of Marseille's political, economic and religious circumstances, which took the form of the *relazione* that Venetian diplomats had to deliver to the Senate when they returned from their mission.³⁵ He discussed governmental methods of the local Catholic party, especially of the first consul Charles Casaulx. 'He has guards for his security, dispenses justice as he wishes, requires taxes, does all that he wants, and he puts in place another consul, called the viguier, who totally depends on him'.³⁶ Then the diplomat described the means by which Casaulx had kept power over many years, and the state of mind of the population: 'people obey him more by fear than by love, because he punished a large number of his opponents by death, so that he can keep the others in fear'.³⁷ In this passage, it seems that Nani's description was shaped

34 Alvise Foscarini to the Senate, 15 March 1590, ASVe, *Dispacci degli ambasciatori al senato, Savoia*, 11, fol. 6; idem, 9 April 1590, *ibidem*, fol. 23: 'quelli di Aix procurono di esser difesi con l'armi del signor duca, così le città di Marsilia et Arles, separatesi da tutte le negotiati con l'Altezza Sua, sono ricorse, per quanto mi vien detto, alla Santità del pontefice; non già perchè siino deliberate di prestar nel temporale obbedienza alla sede apostolica, ma si bene per haver la protettione di Sua Santità, quando occoresse che Spagnoli, per fomentar i pensieri del signor duca, ne se volessero impatronire'.

35 See for example: Tommaseo N. (ed.), *Relations des ambassadeurs vénitiens sur les affaires de la France au XVI^e siècle* (Paris: 1838).

36 Nani to the Senate, 4 May 1595, *Dispacci degli ambasciatori al senato, Spagna*, filza 27, fol. 17: 'tenendo guardie alla sua custodia, amministrando giustitia à modo suo, imponendo gravezze, et facendo quel più che li piace; havendo posto un altro console, chiamato il vighier, che dipende afatto da lui'.

37 Ibidem: 'E obedito più per paura che per amore, perche coll'haver castigato anco nella vita molti della città che gli erano contrarii, tiene in freno spavento gli altri'.

by the erudite political debate about people's love and fear toward the prince.³⁸ This means empirical analysis could be mixed with more theoretical frameworks. That was another angle of the strategies of understanding. The Venetian ambassador finally provided some forecasts of upcoming developments. 'We can see,' he wrote, 'that this government won't be able to stay in that state for a long time; because Casaulx is hated owing to the extortions he has to carry out, and he does not have another way to remain in power, so that he will certainly fall soon'.³⁹ This letter is the most sophisticated illustration of the strategies to overcome the cognitive challenge by means of analytical description.

Those empirical strategies of understanding had a documentary component as observers tried hard to amass copies of juridical deeds, letters or addresses from political actors of Provence, all in order to better grasp the relationships they had with foreign powers. The examples are numerous. In March 1590, the Spanish ambassador in Turin sent a copy of the speech which envoys of Provence had given to the Duke of Savoy to Madrid. At the same time, the French ambassador in Venice sent to Henry IV copies of two letters from the duke of Savoy to the parliament of Aix. In July 1590, the nuncio in Turin sent to the curia a copy of the parliament's decision to give command of the Catholic army to a Savoyard general. At the beginning of 1592, the Spanish ambassador in Rome sent to his king a copy of letter of the consuls of Marseille to Pope Innocent IX.⁴⁰ The diplomats who delivered these documents rarely commented on them. They let their governments come up with their own interpretations. In fact, all these documents were considered as primary sources for empirical and concrete knowledge about the political situation in Provence.

Therefore, we can see that the cognitive strategies were very composite. Next to the intellectual reflex of erudite, speculative and essentialist knowledge, observers tried hard to acquire a more empirical understanding of the local circumstances, by both a panoptical ambition and a craving for information. It is difficult to estimate the beneficial effect of these cognitive strategies on decision-making. However, some examples allow us to cast light on the

³⁸ See for example: Machiavelli, *The Prince*, chap. xvii: 'De crudelitate et pietate; et an sit melius amari quam timeri, vel e contra'.

³⁹ Nani to the Senate, 4 May 1595, Dispacci degli ambasciatori al senato, Spagna, filza 27, fol. 17: 'Si giudica che non possa quel governo star lungamente così, per ciò che essendo il sudetto Casau odiato per l'estorzioni che convien fare, nè havendo egli altro modo da sostentar l'occupato dominio, si puo tener di certo che debba presto cadere'.

⁴⁰ 'Remonstrance faictes à Son Altesse par les députés des Estats du pays de Provence, le 9 mars 1590', AGS, Estado, 1268, no. 150; Maisse to the sieur de la Chaize, instruction to inform Henry IV, 15 May 1590, BnF, NAF 6982, fol. 159r; parlement to Martinengo, 28 July 1590, ASVat, Segreteria di Stato, Savoia, 24, fol. 515; 'Lettera tradotta di francese in italiano delli consoli di Marsiglia al papa Innocento novo alli 8 de decembre 1591', AGS, Estado, 959.

matter. A better understanding sometimes enabled the application of diplomatic strategies which were appropriate to the complexity of Provence's political situation. For example, at the beginning of 1590, Venice was strongly opposed to the papal protection of Marseille and Arles, because the Senate thought that it could lead the two towns to break away from the French crown. But, as I mentioned before, the Venetian ambassador in Turin understood that people of Arles and Marseille did not want to renege upon their French obedience, but only thwart Savoyard protection by looking for another protector more legitimate than the Duke of Savoy. This is why the senate grew favourable towards this papal intercession.⁴¹ In a comparable way, Henri IV, thanks to the correspondence from his ambassador in Venice, became gradually familiar with the different factions within the Catholic party and with the evolution of their feelings towards the intervention of the Duke of Savoy. Consequently, the French king could initiate secret negotiations with some leaders of the League in Provence who had been supporters of the Duke but had progressively changed their minds.⁴² This probably facilitated the political failure of the Savoyard intervention in Provence.

3 Decision-Making under Circumstances of Non-Knowledge

Now I would like to focus my attention on the cognitive challenge of Provence's political actors. From their point of view, this challenge was very different. They had to wonder about the foreign princes they could call upon for help, and about the risks of these foreign interventions. They were therefore confronted with a lack of knowledge about the true intentions of these foreign powers.

By studying a debate between members of the provincial Estates in January 1590 about the appeal to the Duke of Savoy, we can see how they tried to overcome their uncertainty. The deliberation's registers of the Estates preserve the text of two speeches defending opposing analyses of the situation.⁴³ On the

⁴¹ Venetian Senate to Alberto Badoer (ambassador to Rome), 21 April 1590, ASVe, Senato, Roma ordinaria, 8, fol. 12r; Alvise Foscariini to the Senate, 9 April 1590, ASVe, Dispacci degli ambasciatori al senato, Savoia, 11, fol. 23; Niccolini (Florentine ambassador to Rome) to Ferdinando de' Medici, 8 June 1590, in Desjardins A. (ed.), *Négociations diplomatiques de la France avec la Toscane* (Paris: 1875) vol. 5, 133.

⁴² Hurault de Maisse to Monsieur de la Chaize, instructions to inform Henry IV, 15 May 1590, BnF, NAF 6982, fol. 159r; idem to Monsieur de Boistaillé, instructions to inform Henry IV, 30 September 1591, BnF, NAF 6983, fol. 117v; Henry IV to the Duke of Montmorency, 19 June 1592, in Berger de Xivrey (ed.), *Recueil des lettres missives* vol. 3, 641.

⁴³ Estates of Provence, Aix, 23 January 1590, AD BdR, C5, fols. 143r–154r.

one hand, Honoré de Laurens, public prosecutor at the parliament of Aix, was resolutely opposed to Savoyard protection. Honoré Guiran, however, assessor of the municipality of Aix, defended this option. To convince the assembly, both of them used rhetorical strategies which were cognitive strategies too. Indeed, they tried hard to provide the best definition of foreign protection, by using historical, legal, theological and empirical arguments and seriously endeavouring to establish the truth by means of scholastic method. Most of their arguments and examples were taken from Bodin's *Republic*, whose position on foreign protection was very ambivalent.⁴⁴ This cognitive reflex reveals how important the reference to authorities was to these lawyers in these circumstances of uncertainty.

Let us consider the content of their arguments. Honoré Guiran, advocate of Savoyard protection, began by telling a tale of the former actions of the Duke of Savoy:

[The Duke] already sufficiently reveals how much he takes to heart the honour of God, the maintenance of religion, the preservation of the French State and crown and especially of this province, by his remarkable and well-known gestures from the beginning of that last disturbance, having [...] sent to help in this province two hundred and three hundred cavalrymen, fifteen hundred harquebusiers, munitions, money and means, with such a selflessness and liberality that it would be impossible to find better, which more than sufficiently proves to everyone how holy, fair, and remarkable his intentions are.⁴⁵

44 Bodin Jean, *Les Six livres de la République*, 1, 7 and 11, 6 (Paris: 1986) vol. 1, 151–156 and vol. 5, 168–178, 214–215. About protection in political ideas and practices in early modern Europe, see: Cremer A., “La protection dans le droit international public européen au XVI^e siècle”, in Stegmann A. (ed.), *Théorie et pratique politique à la Renaissance. Actes du XVII^e colloque international de Tours* (Paris: 1997) 145–155; Micallef F., “Sous ombre de protection. Stratégies et projets politiques au temps des affaires de Provence (Espagne, France, Italie, 1589–1596)”, *Revue historique* 656 (2010) 763–792.

45 Estates of Provence, Aix, 23 January 1590, AD BdR, C5, fol. 146r: ‘ayant plus que suffisamant faict veoir par effect combien il a à cuer l'honneur de Dieu, manutention de la religion, conservation de l'Estat de la corone de France et en particulier de ceste province par ses jestes remarquables et nottoires dès le commencement de ceste dernière esmotion, ayant [...], envoyé pour secours [...] en ceste province deux et trois cens chevaux, mil cinq cens arquebusiers, des munition de guerre, argent et moyens avec telle franchise et liberalité qu'il seroit mal aisé en treuver dadvantaige [...], preuve plus que souffisante pour faire veoir à ung chacung combien ses intentions sont saintes, justes, dignes de recognoissance.’

So Guiran saw these former actions as a mean to acquire empirical knowledge of the pure and righteous intentions of the Duke, reducing uncertainty about the consequences of a potential Savoyard protection.

Then Guiran turned to more theoretical arguments, possibly inspired by Bodin, who had defined protection's right as 'more beautiful, more honorable, more magnificent than all the others', because of its pure selflessness.⁴⁶ Guiran therefore could argue that 'oppressed people deliberately call upon those for their protection who, by the will of God, are able to help them, without pact, treaty, or any drawback for the oppressed; which does not lead to subjection, but is true charity'.⁴⁷ Guiran gave Bodin's definition a dimension of Christian charity. Maybe it was a typical Leaguist way to use Bodin, often considered as too 'politic' by uncompromising Catholics. Or perhaps is it a sign of the influence of the School of Salamanca, cherished by the Leaguists. For example, in his *Commentary on Thomas Aquinas' Summa Theologica*, Francisco de Vitoria wrote that it was generous princes' duty to rescue foreign people when they were victims of injustice.⁴⁸ Anyway, for Guiran, this moral and theological definition was a guarantee that the future Savoyard protection would conform to God's design. Thus, in his own way, he tried to reduce uncertainty by mixing empirical and theoretical methods—*prudenza* and *sapienza*—just as the princes and diplomats I spoke about before.

The second speaker, Honoré de Laurens did the same, beginning with a juridical and historical definition of foreign protection. According to him, that kind of protection was very close to subjection, as the history of ancient Rome allegedly proved, which had built its empire by taking other peoples under its protection:

Nobody can deny that protection greatly comes close to subjection; indeed the Romans, as they were the great rulers of the world, thought that they had more power over the kingdoms which were under their protection [...] than on their tributaries. [...] Protection with no time limit is equivalent to superiority and domination.⁴⁹

⁴⁶ Bodin, *Les Six livres de la République* 1, 7, vol. 1, 151–152: 'le droit de protection est plus beau, plus honnorable et plus magnifique que tous les autres.'

⁴⁷ Estates of Provence, Aix, 23 January 1590, AD BdR, C5, fol. 146v: 'la protection volontaire [...] est prise des personnes affligées par ceux à qui Dieu a donné de moyen de les pouvoir secourir sans pacte, convention, desavantages aux affligées; de celle elle n'emporte en soy aucune subjection, ains est une vraye charité.'

⁴⁸ Vitoria F. de, *Commentary on Summa Theologica II II*, art. 40, 1, no. 6 (*Commentarios a la secundae de S. Tomas*, ed. B. Heredia (Salamanca: 1932) vol. 2, 281).

⁴⁹ Ibidem, fol. 150r: 'il ne se peult nyer que la protection n'aproxhe grandement de la subjection; et de faict les Romains lesquelz comme ilz ont esté les grandz dominateurs du

Then Laurens adopted a strictly juridical and essentialist argument, also inspired by Bodin:⁵⁰ protection was the exclusive prerogative of a prince regarding his own subjects, and these subjects were not allowed to call upon a foreign prince for his aid:

The greatest princes conferred to themselves the title of defenders and protectors of their people, so that they jealously take care that this title not be assigned to others than them. [...] We can be sure that the subjects are not allowed to negotiate [for foreign protection] without impairing their fidelity [to their prince].⁵¹

Guiran took the floor again, in order to prove that Laurens's definition of protection was not appropriate for this case. Holding up the French protection of German princes in 1551 as example, he argued that this kind of guardianship, as an act of charity, did not constitute an offence against the legitimate sovereign of those protected.⁵²

Finally, the Estates made the decision to call upon the Duke of Savoy. Had the members of the assembly been convinced by Guiran's arguments, which had helped them to overcome their uncertainty? Or was the decision only the result of the ratio of power between the supporters of the municipality of Aix and the supporters of the parliament?⁵³ It is difficult to answer. Anyway, from the point of view of these actors, the situation of uncertainty gave way to a very sophisticated and scholarly debate, more erudite than anything we can see developed on the diplomats' and princes' side. That was probably a consequence of the juridical culture of these lawyers, and also of the context

monde, [...] pansas sans avoyr plus de droit sur les tirannies de leur protection qu'ilz appellent fiductions que sur les stipendiaries mesmes'; fol. 150v: 'La protection sans limitation de temps a une rellation reciproque à la superiorité et domination'.

⁵⁰ Bodin, *Les Six livres de la République*, 1, 7, vol. 1, p. 156.

⁵¹ Estates of Provence, Aix, 23 January 1590, AD BdR, C5, fol. 150v: 'les plus grandz princez ont effecté ses tiltres de protection et deffenseurs de leur peuple, et fault croire qu'ilz sont entierement jalloux que ce tiltre et honneur ne soit attribué à aultre que à eulx'; fol. 151r: 'il est bien certain que ce n'est pas avec les subjectz que en fault traicter lesquelz n'y peuvent toucher sans alteration de la fidellité'.

⁵² Ibidem, fols. 152v–l53r. About protection in French foreign policy, see: Babel R., *Garde et protection. Der Königsschutz in der französischen Außenpolitik vom 15. bis 17. Jahrhundert. Ideologischer Hintergrund, Konzepte und Tradition* (Ostfildern: 2014).

⁵³ Micallef, *Un désordre européen* 91–93.

of public deliberation which pushed both orators to show how brilliant they were. In this case, cognitive strategies were shaped by social positions too.⁵⁴

However, after the Estates decided to call upon the Duke of Savoy, erudite and theoretical speculations totally gave way to empirical experience. The political actors of Provence had to observe this new and little known ally, in order to sound him out. From the beginning of Charles-Emmanuel's presence in Provence, in October 1590, every word and act of the Duke was the subject of many interpretations. So much so that when the Duke began to place his own officers in command of strategic fortresses, some of his Provencal allies saw this as a sign of treason, a warning that the Duke was endeavouring to become master of the country. That was the cause of a revolt against Charles-Emmanuel in October 1591.⁵⁵ Since the estates of January 1590, the form of cognitive challenge had changed, but the political consequences were always decisive.

4 Conclusion

So, the cognitive experience during international crises was a political education that took place in an atmosphere of the utmost urgency. The 'words of non-knowledge', very present in diplomatic correspondences, not only expressed the cognitive shock and the conscious lack of understanding and information on the part of observers. It was also a rhetorical way to postpone decision-making, because without better knowledge, no decision was possible. Therefore when powers were in a situation of ignorance, they did not make any choice until they could reasonably reduce their lack of knowledge, and minimize risk-taking as well. For that purpose, they mixed, in different ways, theoretical, erudite and empirical knowledge. They had to multiply sources of certain and immediate information, by strengthening their correspondence network or inventing new means of information. This information was often analysed by the means of more or less erudite political and anthropological commonplaces, mostly influenced by humanist culture. These bromides enabled the filling of the gaps of knowledge with laws of nature, of history, and of human behaviour. However, empirical observation often replaced theoretical and erudite cognitive strategies, because it was more appropriate to unstable situations with unforeseen events. Therefore, studying crises reveals

54 For a study of social representations about eloquence, see: Fumaroli M., *L'âge de l'éloquence. Rhétorique et 'res literaria' de la Renaissance au cœur de l'époque classique* (Geneva – Paris: 1980).

55 Micallef, *Un désordre européen 186–187.*

concrete side of the evolution that historians such as Rodolfo De Mattei or Romain Descendre have observed in sixteenth-century political treatises: the decline of *sapienza* and the rise of *prudenza* as a science of government.⁵⁶ This had an obvious consequence in daily decision-making as political knowledge with the highest evidential clout now became the daily information, meaning its sources had to be strengthened and its origins firmly traced. Diplomatic correspondences and the 'avvisi',⁵⁷ were the new media of political sciences, maybe more than the old mirrors of princes.

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56 De Mattei, "Dal primato della sapienza al primato della prudenza"; Descendre, *L'état du monde*.

57 Petitjean, *L'intelligence des choses*.

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Dealing with Hurricanes and Mississippi Floods in Early French New Orleans. Environmental (Non-) Knowledge in a Colonial Context

Eleonora Rohland

1 Introduction: Louisiana in 1700—An Unfamiliar Environment?

In their ‘discovery’ of the Americas, European colonists were faced with unfamiliar natural and climatic conditions. This situation recurred with each new colonial endeavour, and to a lesser extent and under different preconditions, with each new wave of immigrants. This chapter focuses on the settlement of French Louisiana and on New Orleans in particular, asking what the French colonial officials and settlers knew about, and how they adapted to, the Gulf Coast and Mississippi Delta environment when they arrived there at the beginning of the eighteenth century. Were they aware of the region’s hazards, most visibly Mississippi river floods and—as we will see, less obviously—hurricanes?

A question that arises naturally from the title of this introductory section is how ‘unfamiliar’ Louisiana really was at the beginning of the eighteenth century, given that the colonization of the Americas by different European powers had been on-going since the sixteenth century. What kind of knowledge existed about this vast stretch of the North American continent (from the Great Lakes to the Gulf of Mexico) *before* the first French settlers arrived on the Gulf Coast in 1699?

The first Europeans to discover and sail up the mouth of the Mississippi River and to pass by the present-day site of New Orleans were the members of the Spaniard Hernando de Soto’s expedition in 1541. The knowledge (environmental, geographic, ethnographic etc.) that was gathered throughout the expedition lived on in reports written in its aftermath.¹ Much of this knowledge came from indigenous guides and peoples with long-term experience of the environments the Spaniards journeyed through during the expedition. No permanent settlements were founded as a result of de Soto’s exploration, which

¹ For a critical analysis of the original reports of the de Soto expedition see Galloway P. K. (ed.), *The Hernando de Soto Expedition. History, Historiography, and “Discovery” of the Southeast* (Lincoln: 1997) part 1, 3–177.

would have required an in-depth involvement with the respective geographical sites and their natural and climatic cycles.²

It is likely that the reports of de Soto's voyage were known to the next European who passed through the environs of what later was to become New Orleans, in 1682, the French explorer René-Robert Cavelier, Sieur de La Salle. Unlike de Soto, who started his expedition in Havana, De la Salle, on his first expedition, set out from Canada through the Great Lakes and down the entire length of the Mississippi river to the Gulf of Mexico. His goal was to find a warm water port for the Canadian fur trade. After reaching the mouths of the Mississippi in 1682, he claimed the whole territory he had travelled from north to south for the French crown and called it *La Louisiane*, in honour of King Louis XIV. Again, no permanent settlements were set up after this venture, nor after his 1684 voyage, which was meant to found a colony at the mouth of the Mississippi but which failed disastrously. However, de la Salle's engineer Minet reported to the French crown on the Mississippi exploration as well as of the second journey.³ Once more, indigenous knowledge was vital for gathering intelligence during both ventures.

These previous explorations notwithstanding, it took almost another twenty years until a permanent French presence was established on the Gulf Coast. It arrived there with the Canadian-born explorer Pierre Le Moyne d'Iberville and the soldiers who accompanied him. The first two settlements he founded, Biloxi and Mobile, had to be moved at least once during their first years of existence due to Iberville's insufficient knowledge of the local environment.⁴

Despite the fact that there had been exploration of the area and written accounts of the environs, Pierre Le Moyne d'Iberville and his French and Canadian soldiers in 1699 found themselves in a 'first contact' situation regarding the still unfamiliar environment and the local indigenous population. That is, even though Louisiana was a 'late' colony compared to the nearby Caribbean and New France, which the French had started colonizing in 1624 and 1534

² The Spanish crown gathered such environmental knowledge systematically through reports, the *relaciones geográficas*, which were written by colonial personnel and increasingly acquired the character of questionnaires as the Spanish empire expanded. Brendecke A., "Informing the Council. Central Institution and Local Knowledge in the Spanish Empire", in Blockmans W. – Holenstein A. – Schläppi D. (eds.), *Empowering Interactions. Political Culture and the Emergence of the State in Europe 1300–1900* (Farnham – Burlington: 2009) 235–252. Brendecke A., *Imperium und Empirie. Funktionen des Wissens in der spanischen Kolonialherrschaft* (Cologne: 2009).

³ English translations of the French originals are given in Galloway P. K., *La Salle and his legacy. Frenchmen and Indians in the Lower Mississippi Valley* (Jackson: 1982), part I and II, 29–146.

⁴ Higginbotham J., *Old Mobile. Fort Louis de la Louisiane, 1702–1711* (Mobile: 1977) 454–455.

respectively, with Louisiana, Iberville was in a similar situation as the English had been with the Jamestown colony a century earlier.⁵ Clearly, indigenous guides and indigenous knowledge were vital for the European explorers who came before Iberville. Yet, what was the situation of the Native American populations that inhabited the lower Mississippi and Gulf Coast region at the Canadian's arrival in 1699/1700?

At the time of de Soto's passing, the Mississippian culture, for example, was a complex, socially stratified agricultural society. However, by 1700, it had undergone a process of 'ethnogenesis', a more or less forced amalgamation with other tribes of the region after being decimated by infectious diseases spread by the de Soto expedition. In the area of Southern Arkansas and north-eastern Louisiana, where de Soto had encountered 30 substantial towns in the 1540s, the French noted only five small villages 140 years later.⁶ The large-scale disruption of Native American cultures by contact with Europeans and their diseases is likely to have had an effect on indigenous knowledge. Large-scale loss of population also meant large-scale loss of local environmental knowledge and memory.⁷ This, in turn, changed the knowledge base on which the French colonials were able to draw at their arrival on the Gulf Coast in 1700. The Indian nations the French came in contact with and that became part

5 The French in the Lower Mississippi Valley and on the Gulf Coast met with a variety of Indian nations on whom they started relying for foodstuffs Usner D. H., *Indians, Settlers & Slaves in a Frontier Exchange Economy. The Lower Mississippi Valley before 1783* (Chapel Hill: 1992). The English also relied on Indian foodstuffs in building up the Jamestown Colony, Kupperman K. O., *The Jamestown Project* (Cambridge, Mass.: 2007).

6 Taylor A., *American Colonies. The Settling of North America* (New York: 2001) 73–74.

7 Amerindian societies in the Mississippi valley were decimated by European diseases from north and south already before the arrival of the French. For a general overview over the circulation of diseases see Crosby A., *The Columbian Exchange: Biological and Cultural Consequences of 1492* (Westport: 2003) and Raudzens G. (ed.), *Technology, Disease and Colonial Conquests, Sixteenth to Eighteenth Centuries. Essays Reappraising the Guns and Germs Theories* (Leiden: 2003). For the Caribbean and Latin America see Cook S. F. – Borah W. W., *Essays in Population History: Mexico and the Caribbean* (Berkeley: 1971); Cook N. D., "Disease and the Depopulation of Hispaniola 1492–1518", *Colonial Latin America Review* 2, 1–2 (1993) 211–245, here 213–214; and Lovell W. G., "Heavy Shadows and Black Night": Disease and Depopulation in Colonial Spanish America", *Annals of the Association of American Geographers* 82, 1 (1992) 426–443, here 426. On the Mississippi valley see Barnett J. F., *Mississippi's American Indians* (Jackson: 2012) chapter 2, also Smith M. T., "Aboriginal Depopulation in the Postcontact Southeast", in Hudson C. M. – Tesser C. C. (eds.), *The Forgotten Centuries: Indians and Europeans in the American South, 1521–1704* (Athens: 1994) 257–275, here 270. The estimated 70,000 Native Americans of 1700 were reduced to no more than 35,000 by 1726. Pritchard J. S., *In Search of Empire. The French in the Americas, 1670–1730* (New York: 2004) 7.

of the Louisiana 'frontier exchange economy' were the Natchez, the Choctaws, the Upper Creeks, the Quapaws, and the Caddoes.⁸

It is important to note that, with the exception of Iberville, all of the early expeditions were conducted with the goal of finding either gold or silver mines in the case of de Soto, or of locating a strategically well-situated port for trade in the case of de la Salle. That is, considerations of long-term settlement and thus adaptation to local environmental conditions were secondary, at best. Environmental knowledge was necessarily gathered on the move, which would make it qualitatively different and less applicable for Iberville and his men who were looking to become sedentary, build forts and towns, and adapt to their new environment.

2 Environmental Knowledge and Adaptation

What kind of knowledge is necessary for people to exist and survive in an unfamiliar environment? How does knowledge about an unfamiliar environment accumulate and how does it reflect experience over time? Interestingly, these questions, crucial when thinking about how the French colonists dealt with environmental risk on the lower Mississippi, have not been asked by historians, but by archaeologists researching prehistoric and historic colonization in different parts of the world, including North America.⁹ The archaeologist

8 Usner, *Indians* 31.

9 Rockman M., "Knowledge and Learning in the Archaeology of Colonization", in Rockman M. – Steele J. (eds.), *Colonization of Unfamiliar Landscapes. The Archaeology of Adaptation* (New York: 2003) 3–24, here 3. A concept closely related to adaptation – or even its historical precursor – is "acclimatization", a term that gained prominence in the discourse of (colonial) tropical medicine throughout the eighteenth and nineteenth centuries. Its discussion has so far remained limited to the realm of history of science, rather than being integrated into the larger field of environmental and climate history: Anderson W., "Climates of Opinion: Acclimatization in Nineteenth-Century France and England", *Victorian Studies* 35, 2 (1992) 135–157, and Osborne M. A., "Acclimatizing the World. A History of the Paradigmatic Colonial Science", *Osiris* 15 (2000) 135–151. Perceptions of strange, new climates by colonial societies have attracted historians' and historical climatologists' attention increasingly over the last two decades. Kupperman K. O., "Apathy and Death in Early Jamestown", *The Journal of American History* 66, 1 (1979) 24–40, Kupperman K. O., "The Puzzle of the American Climate in the Early Colonial Period", *American Historical Review* 87, 5 (1982) 1262–1289, and Kupperman K. O., "Fear of Hot Climates in the Anglo-American Colonial Experience", *William and Mary Quarterly* 41, 2 (1984) 213–240 are early cases of historical concern with American colonial climates. A recent issue of the *William and Mary Quarterly* 72, 1 (2015) reemphasized this interest in historical American climates, see esp. Chaplin J. E., "Forum:

Marcy Rockman suggests that ‘environmental knowledge’ in the context of adaptation contains three basic types of information: locational (i.e. information about locations and physical characteristics of necessary resources), limitational (meaning ‘boundaries and costs of necessary resources’ including seasonal variations in these resources) and social (i.e. the ‘attribution of names, meanings and patterns to natural features’).¹⁰ All three kinds of information were vital for the French colonists who arrived on the Gulf Coast with Iberville in 1699. With regard to natural hazards such as floods or hurricanes, ‘limitational knowledge,’ that is knowledge of the flood regime of the Mississippi as well as knowledge of the Gulf Coast as being prone to hurricanes, was of particular importance. Obviously, this and other kinds of information could be gathered infinitely more quickly by the colonizers through communication with the indigenous population than having to rely on their own experience that would only accumulate slowly over time. In fact, regarding what she calls ‘landscape learning,’ Rockman suggests that it may take people as much as 35 years—a human generation—to learn about the fluctuations of a river’s flood regime in a new environment.¹¹

The value and importance of ‘traditional environmental knowledge,’ ‘indigenous knowledge’ or ‘local knowledge’—the three terms are often used interchangeably¹²—has been underlined especially in anthropological research, starting in the early 1990s, and, not surprisingly, chiefly in the context of post-colonial development studies.¹³ In this context ‘indigenous knowledge’

Ogres and Omnivores: Early American Historians and Climate History”, *William and Mary Quarterly* 72, 1 (2015) 25–32, calling for climate historical studies of early American history using Emmanuel le Roy Ladurie’s imagery, as well as Wickman T., “Winters Embittered with Hardships: Severe Cold, Wabanaki Power, and English Adjustments, 1690–1710”, *The William and Mary Quarterly* 72, 1 (2015) 57–98, and White S., “Shewing the difference betweene their conjuration, and our invocation on the name of God for rayne”: Weather, Prayer, and Magic in Early American Encounters”, *The William and Mary Quarterly* 72, 1 (2015) 33–56.

¹⁰ Rockman, Knowledge 4.

¹¹ Ibidem 5.

¹² There seems to be no clear-cut boundary between those different concepts, according to Ellen R. F. – Harris H., “Introduction”, in Ellen R. F. – Parkes P. – Bicker A. (eds.), *Indigenous Environmental Knowledge and its Transformations. Critical Anthropological Perspectives* (Amsterdam: 2000) 1–33, here 2; and Antweiler C., “Local Knowledge and Local Knowing. An Anthropological Analysis of Contested ‘Cultural Products’ in the Context of Development”, *Anthropos* 93, 4–6 (1998) 469–494, here 471.

¹³ Gardner K. – Lewis D., *Anthropology, Development and The Post-Modern Challenge* (London: 1996) 20. Early critical studies are Mair L., *Anthropology and Development* (London: 1984) and Robertson A. F. (ed.) *People and the State. An Anthropology of Planned Development*

acquired the quality of an entity that needs protection, similar to a dying language—for the obvious reason that ‘western knowledge,’ imposed by the proponents of colonial states and/or modern development policy, has threatened to replace it, or, in many instances has, in fact, replaced it. The terms are thus charged with political meaning and a specific distribution of roles. On the one side, there is supposedly holistic and ‘naturally grown’ ‘indigenous knowledge,’ while on the other side there is more or less forcefully imposed and ‘unnatural’ western science. Londa Schiebinger and Adrienne Mayor’s articles in Proctor and Schiebinger’s *Agnostology* follow this logic in the second part of the book entitled ‘Lost Knowledge, Lost Worlds’.¹⁴ While this approach is fully justified, it is inhibitive for a historical exploration of knowledge in the context of colonial adaptation to unfamiliar environments.¹⁵ The predator/victim perspective does not readily allow colonizers to have their own (albeit imported) ‘traditional environmental knowledge’ and fails to explain how the latter was transformed and advanced by Native American ‘indigenous knowledge’.¹⁶ I am therefore using the term ‘environmental knowledge’ to refer to Louisiana’s indigenous populations’ knowledge, as well as to colonizers’ ‘imported’ and/or freshly acquired and transformed knowledge of their new surroundings.

To sum up, the knowledge constellation I am exploring in this chapter on the one hand finds a culturally heterogeneous patchwork of recently merged indigenous peoples. Some of these might still have possessed long-standing, orally transmitted knowledge of the local environment and climate. Some might have been so disrupted by European diseases and consequent migration that their own long-term memory and knowledge of local environmental and climatic cycles was partially lost. In either case, they still had more *local* environmental knowledge than the European newcomers did.¹⁷ On the other hand, there were the continental and Canadian French colonists, the leaders

(Cambridge: 1984). An early historical study is Grove R., “Indigenous Knowledge and the Significance of South-West India for Portuguese and Dutch Constructions of Tropical Nature”, *Modern Asian Studies* 30, 1 (1996) 121–143.

¹⁴ Schiebinger L., “West Indian Abortifacients and the Making of Ignorance”, in Proctor R. N. – Schiebinger L. (eds.), *Agnostology. The Making and Unmaking of Ignorance* (Stanford: 2008) 149–162; Mayor A., “Suppression of Indigenous Fossil Knowledge. From Claverack, New York, 1705 to Agate Springs, Nebraska, 2005” in *ibidem* 163–182.

¹⁵ Ellen – Harris, “Introduction” 5.

¹⁶ Antweiler, “Local Knowledge” 470 and Ellen – Harris, “Introduction” 6, point to the fact that ‘Western’ societies have their own ‘everyday’ or ‘indigenous knowledge,’ which, in principle, does not differ from that of non-western societies.

¹⁷ Usner D. H. Jr., “The Frontier Exchange Economy of the Lower Mississippi Valley in the Eighteenth Century”, *The William and Mary Quarterly* 44, 2 (1987) 166–192.

of whom had been to French naval and engineering schools as part of their formation. They had their own environmental knowledge background, of frontier life in Canada but also of French continental 'civilization'.¹⁸ The engineers who arrived in 1721 to oversee the building of New Orleans and its protective levees along the river brought with them their own expert knowledge of hydrology and engineering dams—albeit in an environment in which building such dams had been practiced for centuries.¹⁹

Clearly, the French knew that they did not know many of the specifics about the environment and relied on indigenous contacts to gather this information, in particular in finding a suitable site to build New Orleans.²⁰ Yet, the colonisers were also guided by the self-image of being a superior civilization, a position that prevented certain environmental knowledge from being gathered as it was taken for granted that such knowledge already existed and sufficed. In other words, in the case of knowledge about natural hazards in and around New Orleans at the beginning of the eighteenth century, knowledge, non-knowledge (known unknowns) and nescience (unknown unknowns) coexisted. I will explain this by using the example of New Orleans's first hurricane experience in 1722 and by contrasting the contemporary knowledge of hurricane risk with the knowledge of flood risk.

3 Hurricane Knowledge on the Gulf Coast in 1722

In 1722, Louisiana was administered by the Scottish merchant John Law's *Compagnie des Indes*, which had also issued the resolution to build New Orleans 'thirty leagues upriver' from the mouth of the Mississippi in 1718.²¹

The approach of a storm was already felt in New Orleans on September 10, 1722 but the winds were not associated with the possibility of a tropical cyclone, since knowledge of the signs that foretell hurricanes was lacking among Louisiana's settlers. The hurricane hit New Orleans on September 12 and lasted

¹⁸ Artz F. B., *The Development of Technical Education in France, 1500–1850* (Cleveland: 1966) 52–53; Crouse N. M., *Le Moyne d'Iberville. Soldier of New France* (Baton Rouge: 2001) 9, 11.

¹⁹ For a history of levee-building in France see Dion R., *Histoire des levées de la Loire* (Paris: 1961).

²⁰ Iberville Pierre Le Moyne d', "Journal du Sieur Pierre Le Moyne d'Iberville", in Margry P., *Découvertes et Établissements des Français dans l'Ouest et dans le Sud de l'Amérique septentrionale (1614–1754). Mémoires et documents originaux. Découverte par Mer des Bouches du Mississippi et Établissements de Le Moyne D'Iberville sur Le Golfe Du Mexique (1694–1703)*, vol. 4 (Paris: 1881) 165, 399.

²¹ Instruction pour M. Perrier, 14 avril 1718, in Margry P., *Découvertes* 605.

for twelve hours. Besides thirty-four houses and public buildings, all the ships in port were destroyed and the harvest was lost.

Even though the French had not recognized the harbingers of the approaching hurricane, at least the colonial officials knew *afterwards* that they had experienced one since the changes in wind direction characteristic of hurricanes had been known to Europeans since Columbus' first hurricane experience in the Caribbean in 1494.²² French colonial officials used the term *ouragan* in their reports to the *Compagnie des Indes*, implying some familiarity with the phenomenon.²³ However, Antoine Simon Le Page du Pratz, a planter from Natchez and eyewitness to the 1722 hurricane, described it as '[...] un phénomène qui effraya toute la province: l'effroi était d'autant plus justement fondé que personne ne pouvait en deviner la cause ni en prévoir les effets [...]'] ('[...] a phenomenon that frightened the whole province; the terror was all the more well-founded since no one could guess its cause nor foresee its effects [...]').²⁴

Before analysing these sources that imply different levels of (non-)knowledge among French colonists, it is important to briefly recall the obvious but very significant fact that until the 1960s and the employment of radar and satellites in weather forecasting, hurricanes were not and could not be made visible to the naked eye. Tropical cyclones are large-scale meteorological systems, sometimes spanning several hundred kilometres in diameter, which cannot be perceived in their entirety like tornadoes.²⁵ The cloud vortex we cannot help seeing before our inner eye today when thinking about hurricanes is a historically very recent visual experience. In other words, at the beginning of the eighteenth century, people who had not lived in a hurricane-prone region for a long time had no way of differentiating an approaching hurricane from

²² Millás J. C. – Pardue L., *Hurricanes of the Caribbean and adjacent regions, 1492–1800* (Miami, Fla.: 1968) 29; and Anghiera Pietro Martire d’ – Münster Sebastian – Sebastian Cabot, *The First Three English Books on America [? 1511–1555]*, ed. R. Eden – E. Arber (Westminster: 1895) 81.

²³ Le Blond de La Tour to Directors, September 30, 1722, HNOC, ANOM, Colonies, C¹³ C 6, fol. 339r; and Delorme to Directors, October 30, 1722, HNOC, ANOM, Colonies, C¹³ C 6, fol. 403r.

²⁴ Le Page du Pratz Antoine Simon, *Histoire de la Louisiane* (Paris, De Bure Veuve Delaguette et Lambert: 1758) 174.

²⁵ For a meteorological definition of tropical cyclones (hurricane is the 'local', Atlantic basin name for the phenomenon, stemming from the indigenous Taíno language 'hurakán') and on their formation see Keim B. D. – Muller R. A., *Hurricanes of the Gulf of Mexico* (Baton Rouge: 2009) 56–67; and Emanuel K., *Divine Wind. The History and Science of Hurricanes* (Oxford: 2005) 21.

an 'ordinary' storm and thus could neither forecast hurricanes nor take precautions to protect their lives and property.

From a present-day perspective, Le Page du Pratz's is an interesting statement, considering the geographical proximity of the hurricane-prone and long-standing West Indian colonies. With the help of the indigenous Taíno and Carib peoples, Spanish, French, Dutch and English colonists had gathered ample hurricane experience in the Caribbean islands since their discovery by Christopher Columbus in 1492.²⁶ Could this knowledge have helped the French newcomers in Louisiana? And if so, who, specifically, could have had that kind of 'hurricane knowledge' on the Louisiana Gulf Coast in 1722?

In order to form a clearer picture on this last question I will zoom in on Louisiana's settlers, usually collectively subsumed under the term 'French,' to find out about their backgrounds and possible state of knowledge about hurricanes. In fact, as late as 1730, ninety percent of French Louisiana's inhabitants were still Amerindians from different nations.²⁷ In addition to the Canadians that had come with Iberville in 1699, the colony had received a wave of (continental) French convicts and 'unwanted subjects' between 1717 and 1719, its first African slaves from the Ivory and Gold Coasts in 1719, as well as German settlers between 1720 and 1721 as a result of John Law's settlement campaign.²⁸

As to the background of the French coming to Louisiana from the European continent, most of them were former inhabitants of the north and west coasts of France which were economically connected to the Atlantic trade through their dynamic port cities such as Lorient, La Rochelle, Brest, Nantes, and Bordeaux. These were also the cities in which colonial recruiters were employed, where sailors disembarked and the French population came in contact with these proponents of the New World. In other words, the inhabitants of those Atlantic port cities may have heard of hurricanes from hearsay or newspaper reports. Yet, clearly, neither the French nor the German settlers, nor the enslaved Africans who arrived in Louisiana before the 1722 hurricane, came from geographical regions prone to and with experience of tropical cyclones.²⁹

²⁶ Jean-Baptiste Du Tertre, *Histoire générale des Antilles, habitées par les François* (Paris, Thomas Iolly: 1667) 71.

²⁷ A summary of the different nations and their traditions is given in Kunkel P. A., "The Indians of Louisiana, About 1700. Their Customs and Manner of Living", in Conrad G. R. (ed.), *The French Experience in Louisiana* (Lafayette: 1995) 248–268.

²⁸ Vidal C. – Havard G. (eds.), *Histoire de l'Amérique Française* (Paris: 2008) 151–152; Dart H. P., "The First Cargo of African Slaves for Louisiana, 1718", *Louisiana Historical Quarterly* 14, 2 (1931) 163–177, here 167. And Conte R. L. – Conrad G. R., "The Germans in Louisiana in the Eighteenth Century", *Louisiana History: The Journal of the Louisiana Historical Association* 8, 1 (1967) 67–84, here 68.

²⁹ Vidal – Havard, *Amérique Française* 144.

However, the geographical background of the settlers is not the only important factor for assessing what kind of hurricane knowledge existed in Louisiana, but also their social origin. As was pointed out above, in general, French colonial officials—mostly drawn from the aristocracy—underwent a military education that included French naval schools. At the time, instruction in navigation almost certainly included information about the features of tropical cyclones, hence the colonial personnel's ability to report on the 1722 storm as an *ouragan*. Sailors gained practical experience with hurricanes during their voyages between the Caribbean islands and France. However, since they made up only a small fraction of the population and were usually confined to their ships, they may not have been the most reliable transmitters of 'everyday hurricane knowledge' to the wider population.³⁰ The two seemingly contradictory sources quoted above are thus suggestive of different stages of French colonial hurricane knowledge—nescience on the part of the settlers and non-knowledge on the part of the colonial personnel—that co-existed in Louisiana in 1722.

What was the state of *indigenous* hurricane knowledge at the time, however, and was it communicated to the French colonists? As in most cases of colonial history, we only know about indigenous environmental knowledge through the accounts of Europeans. Louisiana is no exception. However, while the early colonial Louisiana records frequently mention the acquisition of indigenous knowledge about the Mississippi's flood regime and flood-safe sites for settlement, there is a conspicuous absence of French-indigenous communication about hurricanes on the Gulf Coast and Lower Mississippi region.³¹

30 Ship captains would note the characteristic changing wind directions of hurricanes in their log books, however, and thus took part in generating knowledge about tropical cyclones. During the seventeenth and eighteenth centuries, this information remained confined to a limited group of people (sailors, government officials and a few scholars) and did not appreciably spread among the general public until the mid-nineteenth century, when the first "American Storm Controversy" (Fleming, see n. 42) among meteorologists was in full swing. An early suggestion to use ship logs to gather meteorological data on hurricanes on a global scale was made by the New England mathematician Isaac Greenwood, Greenwood Isaac, "A New Method for Composing a Natural History of Meteors Communicated in a Letter to Dr. Jurin, R. S. & Coll. Med. Lond. Soc. By Mr. Isaac Greenwood, Professor of Mathematicks at Cambridge, New-England", *Philosophical Transactions* 35 (1727) 390–402, here 398.

31 Neither the Journal of Iberville nor of his commander Sauvole indicates any exchange of information about hurricanes with the indigenous guides they met. Iberville, "Journal" 165, 399; and Sauvole, "Journal historique de l'établissement des Français à la Louisiane. Recueil que j'ai pris sur mon journal de ce qui s'est passé de plus remarquable depuis le départ de M. d'Iberville du 3 mai 1699 jusqu'en 1700. [Lettre de Sauvole. Commandant

This absence becomes particularly evident in comparison to early accounts from the French and English Caribbean colonies which suggest that, there, the indigenous peoples practically turned into hurricane forecasters for the colonists.³²

4 Hurricane Geography and the Importance of Time

The fact that Louisiana's colonial officials knew of *ouragans* but did not communicate about this environmental risk with the indigenous population of the Lower Mississippi region suggests that the colonists did not know that hurricanes could occur in this particular geographical location. This assumption is in fact confirmed by a quick look into seventeenth-century tracts on the climate of the Caribbean colonies, usually contained in travel accounts and *Histories of the Indies*. The French Catholic missionary Antoine Biet and the English astronomer Edmund Halley agreed that hurricanes were a phenomenon bound to the Caribbean islands, while Ralph Bohun, an English clergyman, also included the Philippines into colonial hurricane geography.³³ An *early nineteenth-century* statement by meteorologist William Redfield indicates that seventeenth and eighteenth-century European colonists did not yet conceive of hurricanes as storm systems that move on a trajectory, but rather saw them as isolated stationary occurrences. In an 1831 article analysing an East Coast

au Biloxi, sur ce qui s'est passé dans l'intervalle du 1er au 2ème voyage de d'Iberville, et Instructions qui lui sont laissées par ce dernier en Mai 1700.]”, in Margry, *Découverte* 447–462.

³² Du Tertre, *Antilles* vol. 2, 73; Langford – Bonavert, “Captain Langford's Observations of His Own Experience upon Hurricanes, and Their Prognosticks. Communicated by Mr. Bonavert”, *Philosophical Transactions (1683–1775)* 20 (1698) 407–416, here 407.

³³ ‘Ces houragans sont de furieuses tempestes qui arriuent reglement de sept ans en sept ans ou enuiron & ne regnent qu'autour de ces Isles Antilles, & dans les mers qui les enuironent.’ ([...] those furious stormes called Hurricanes, which are as it were peculiar to the Caribbe Isles [...]’), Biet Antoine, *Voyage de la France Equinoxiale en l'Isle de Cayenne, Entrepris par les Francois en l'Année 1652* (Paris, François Clouzier: 1664) 285. Halley Edmund, “An Historical Account of the Trade Winds, and Monsoons, Observable in the Seas between and Near the Tropicks, with an Attempt to Assign the Phisical Cause of the Said Winds, By E. Halley”, *Philosophical Transactions* 16, 179–191 (1686) 153–168, here 157. ‘[...] they infest the Philippine and Caribbe-Isles more than any other parts of the Habitable World’, Bohun Ralph, *A Discourse Concerning the Origine and Properties of Wind with an Historicall Account of Hurricanes, and other Tempestuous Winds* (Oxford, William Hall: 1671) 256.

hurricane, Redfield remarked that ‘when accounts of hurricanes were formerly received as occurring at different islands, on various dates, with marked differences also in the direction of the wind it was taken for granted [...] that such accounts, in most cases related to different storms’.³⁴ In other words, until the beginning of the nineteenth century, hurricanes were considered to be discrete, localized phenomena, not extra-regional meteorological systems tracking in a particular direction. In contrast with the forward movement and irregular return frequency of hurricanes, it was much more straightforward for European observers to determine their seasonality, that is, their occurrence between the months of June to October. By the mid-seventeenth century, this fact belonged to common local environmental knowledge among Caribbean colonists, sailors, and scientists.³⁵

Clearly, if Louisiana’s colonial personnel did not perceive hurricanes as natural hazards that could threaten their Gulf Coast settlements, they would not ask indigenous guides or correspondents about them. The return period of major hurricanes (those of a category 3 to 5 on the Saffir/Simpson Scale) is a crucial factor in this question of hurricane knowledge on the Louisiana Gulf Coast.³⁶ Research by the historical climatologist Mike Chenoweth suggests that no major hurricanes hit the Gulf Coast below New Orleans between the arrival of the French in 1699 and 1722.³⁷ This is reflected by the French colonial correspondence, which does not mention any *ouragans* before 1722.³⁸ Until the 1770s, when a hurricane struck almost every other year, tropical cyclones that

34 Redfield W. C., “Hurricane of August 1831”, *American Journal of Science and Arts* 21, Oct (1832) 191–193, here 191.

35 Rochefort Charles de, *Histoire naturelle et morale des Iles Antilles de l’Amerique. Enrichie de plusieurs belles figures des Raretés les plus considérables qui y sont d’écrites [sic]. Avec un Vocabulaire Caraïbe* (Rotterdam, Arnout Leers: 1658) 243; Bohun, *Discourse* 294; Halley, “Trade Winds” 157.

36 Saffir H. S., “Communicating Damage Potentials and Minimizing Hurricane Damage”, in Simpson R. – Anthes R. A. – Garstang M. – Simpson J. (eds.), *Hurricane. Coping with Disaster. Progress and Challenges Since Galveston, 1900* (Washington, DC: 2003) 155–173.

37 Chenoweth M., “A Reassessment of Historical Atlantic Basin Tropical Cyclone Activity, 1700 to 1855”, *Climatic Change* 76 (2006) 169–240.

38 I refer to the manuscript sources in the Archives Nationales d’Outre-Mer (ANOM), in particular *Série C* (registers 13a and c, *Correspondance à l’arrivée en provenance de la Louisiane*) and *Série A* (register 23, *Actes du Pouvoir Souverain*) of the *Archives des Colonies*. Series C 13 reflects the (manuscript) correspondence of Louisiana’s colonial official administrators (the Governor and his subordinate, the *Commissaire-Ordonnateur*) with the administration in Paris. Between 1717 and 1731 this role fell to the directors of John Law’s *Compagnie de l’Occident/Compagnie des Indes*, which was in charge of governing Louisiana. After 1731, when the *Compagnie* retroceded Louisiana to the crown, this correspondence was once

affected New Orleans and the Lower Mississippi Valley occurred roughly on a decadal scale.³⁹ The colonial non-knowledge about the origin and formation of hurricanes was matched by the non-knowledge about the reasons for their erratic and sometimes drawn-out return periods. We know today—that is, roughly since the 1980s—that these changing frequencies are connected to the cycle of a large-scale climatic phenomenon, the El Niño Southern Oscillation (also known in its acronym ENSO). By the beginning of the eighteenth century, colonists in the Caribbean had noted that hurricane frequencies could change over the long-term; however, they could not explain why or foresee phases of higher impact frequencies.

Both the high as well as low frequencies of hurricane landfalls presented a problem during the first century of Louisiana's colonial history. A quick succession of hurricanes in the same year or in subsequent years almost certainly led to famine and the inflation of grain prices, threatening the existence of the colony. Time spans of a decade or longer between impacts could make the acquisition of hurricane knowledge difficult for a dynamic and mobile colonial society. Clearly, hurricane periodicity and thus environmental knowledge about hurricanes stands outside the generational sphere of experience Rockman suggests for learning about other natural cycles.

While in New Orleans the flooding of the Mississippi was and remained a seemingly manageable threat, during the eighteenth and most of the nineteenth century, hurricanes continued to be—literally—unpredictable. Granted, local knowledge of how their effects might play out in the Lower Mississippi environment did accumulate over time.⁴⁰ General knowledge about the cause and formation of hurricanes, on the other hand, only progressed slowly until twentieth-century technological advances such as airplanes, aerosondes, radar, and satellites were used in contexts wholly unrelated to hurricanes.

more directed to the Minister of the Marine who was in charge of the *bureau des Colonies* (created in 1710).

- 39 After 1722, hurricanes that affected New Orleans during the eighteenth century (during the French and Spanish colonial period of the city) occurred in 1732, 1733, 1739, 1740, 1750, 1766, 1772, 1776, 1779, 1780, 1793, 1794. See Rohland E., *Hurricanes in New Orleans, 1718–1965. A History of Adaptation* (PhD Thesis, University of Bochum: 2013) 61.
- 40 On flood risk and levee building in early New Orleans see Rohland, *Hurricanes 135–161*. On the evolution of hurricane knowledge during the Spanish Dominion of New Orleans see ibidem, 173–196.

5 Conclusion: Environmental Knowledge and Action

Clearly, knowledge, or non-knowledge, of the hazard of hurricanes had practical relevance for eighteenth-century New Orleanians' ability to cope with this peril and for adapting to an environment in which these destructive storms were a reality. The difference a sophisticated understanding of hurricanes could make for human lives and property is, again, shown by a *nineteenth-century* example from the hurricane-liable Caribbean. On the basis of meticulous observation, physical knowledge and mathematical calculations, the Cuban Jesuit priest Benito Viñes was able to forecast the first hurricane in 1875. His warnings were soon disseminated by telegraph throughout the Caribbean Islands and to the American Gulf Coast and saved many human lives and ships along with their cargo.⁴¹ The confluence between local knowledge, budding meteorological science, and technology at the end of the nineteenth century thus allowed for the formation of the first early warning system for hurricanes, which enabled the population of the surrounding region to at least prepare for them, since the mitigation of hurricanes was—and still is—impossible. Neither this kind of knowledge—and science—nor the technology, was available to eighteenth-century New Orleanians.

With regard to early New Orleans hurricane knowledge, it is important to differentiate between different colonial actors and their knowledge backgrounds in order to reconstruct what was known about the hazard and how the knowledge of *ouragans* could coexist with nescience of the same phenomenon. I have shown that the geographical proximity of the hurricane-prone Caribbean islands and the hurricane knowledge of their inhabitants could not help the Louisiana colonists' hurricane preparedness, since knowledge about hurricanes as moving storm systems only emerged in the first decades of the nineteenth century.⁴² At the beginning of the eighteenth century, there was no way of perceiving the Louisiana Gulf Coast and Lower Mississippi Valley as belonging to the same climatic 'risk zone' as the Caribbean. So, including the development of 'hurricane science' during the *nineteenth-century* into my study brings into focus the co-evolution of knowledge and the changing possibilities of coping and adaptation.

⁴¹ Udiás A., "Jesuits' Contribution to Meteorology", *Bulletin of the American Meteorological Society* 77, 10 (1996) 2307–2315, here 2312; Calvert E. B., "The Hurricane Warning Service and its Reorganization", *Monthly Weather Review* March (1935) 85–88, here 86.

⁴² See Fleming J. R., *Meteorology in America, 1800–1870* (Baltimore: 1990) chapter 'The American Storm Controversy', 23–54.

Apart from the—until 1722—unknown unknown of hurricanes on the Louisiana Gulf Coast, there was the known unknown of the return period of hurricanes. In the case of Mississippi river floods, both the indigenous and the new colonial inhabitants of Louisiana knew their cause and periodicity—the melting of ice in the north and the consequent overflow of the river in spring. Even though the attributes of hurricanes were known to the French colonial personnel of Louisiana, their cause and return period remained mysterious for them as well as for the indigenous population, whose knowledge was vital for the French colonists, as we have seen. In terms of cause, severity, and frequency, hurricanes resemble earthquakes and differ markedly from the familiar danger of river floods, which, of course, were an even more frequent issue in New Orleans. Knowing the periodicity of a natural hazard is crucial for assessing its risk and hence for adapting to it. In other words, there is a temporal factor contained in environmental knowledge that is central for the establishment and maintenance of human settlements and thus ultimately of human civilization and culture.

In the second part of this chapter, I introduced the archaeologist Marcy Rockman's suggestion that it takes about 35 years, or a human generation, to learn about the natural cycles of an environment. This proposition seems reasonable as far as annual or biannual processes are concerned. I have argued, however, that in the case of hurricanes, which could occur on short (annual) but also on decadal and longer time scales, the idea of a generational learning period does not hold. This is true, in particular, for mobile colonial societies in which people in one generation migrated not only between European and North American environments, but also within different North American environments. Hence, the long-term familiarization with an environment, its cycles and hazards, often did not take place. Furthermore, the drawn-out return periods of hurricanes—also known as ‘disaster gaps’⁴³—as well as concurrent migration were disruptive for disaster memory. Clearly, the building of knowledge (and science) about such a complex extreme event as hurricanes required more than one, or even two, generations. As a consequence, societal adaptation to hurricane-prone environments—or other extreme events occurring on a multi-decadal scale, for that matter—can only be studied meaningfully by considering the historical *longue durée*.⁴⁴

43 Pfister C., “The Monster Swallows You’. Disaster Memory and Risk Culture in Western Europe, 1500–2000”, *RCC Perspectives* 1 (2011) 2–22, here 17.

44 On studying disasters in succession rather than singular events see Maelshagen F., “Disaster and Political Culture in Germany since 1500”, in Mauch C. – Pfister C. (eds.), *Natural Disasters, Cultural Responses. Case Studies toward a Global Environmental History* (Lanham: 2009) 41–75, here 44. For a 250-year study on hurricanes and cultural adaptation

New Orleans is not the only city that was placed in a hazardous environment by its colonial founders, based on their (initially) insufficient knowledge of the local environment. In most cases, strategic advantages and questions of accessibility by boat took precedence over considerations of environmental risk in the choice of sites for colonial settlements. The uncertainties and coexisting states of knowledge, non-knowledge and nescience about new and unfamiliar environments factored into path-dependencies characteristic of many cities founded by European imperial powers in the Americas and elsewhere around the globe. The irreversibility of those long-past decisions is reflected most prominently in the present-day risk at which many coastal—and erstwhile colonial—cities find themselves from climate change-induced flooding.⁴⁵

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45 The Indian author Amitav Ghosh makes a similar point in the second of four 'Berlin Family Lectures' he held at the University of Chicago in September 2015 entitled 'The Great Derangement: Fiction, History, and Politics in the Age of Global Warming', <https://berlinfamilylectures.uchicago.edu/2015-amitav-ghosh> (accessed January 23, 2016). The lectures will be published in 2016 by the University of Chicago Press, see Ghosh A., *The Great Derangement: Fiction, History and Politics in the Age of Global Warming* (Chicago: forthcoming in 2016).

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'Unknown Sciences' and Unknown Superiors. The Problem of Non-Knowledge in Eighteenth-Century Secret Societies

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By the 1780s, the process of Enlightenment had developed a self-reflexive aspect: those who identified with the Enlightenment—and even some who were more reserved about declaring such an allegiance—recognized and responded to a need for clarification. They therefore sought to enlighten themselves and others about the nature of Enlightenment. This was most famously demonstrated in the series of articles that were published in the *Berlinische Monatsschrift* and that culminated in December 1784 in Immanuel Kant's contribution 'An Answer to the Question: "What is Enlightenment?"'¹

The word 'Enlightenment' or *Aufklärung* had, however, not always implied the stark dichotomies which Kant cautiously spelled out in his essay; dichotomies which pitted critique against authority and reason against revelation and dogma. In the early 1770s, a decade before Kant's essay appeared, the controversial theologian Carl Friedrich Bahrdt was preaching in the German Palatinate. According to the autobiography he later wrote, Bahrdt had by this stage convinced himself that original sin was an 'absurd doctrine' and that 'a natural predisposition towards Enlightenment' inhered to all humans.² It is interesting therefore to complement Bahrdt's own statements about his embrace of the Enlightenment (*Aufklärung*) with another source relating the perspective from the pews below. His paeans to *Aufklärung* bewildered his audience, who were earnestly trying to grasp his meaning. In fact, many in the audience

1 See Hinske N. – Albrecht M., *Was ist Aufklärung? Beiträge aus der Berlinischen Monatsschrift* (Darmstadt: 1977) for a compendium of articles that places Kant's contribution in the context of this debate. James Schmidt provides a translation of Kant's essay and then supplements this with the longer philosophical discussion in *What is Enlightenment? Eighteenth-Century Answers and Twentieth-Century Questions* (Berkeley: 1996).

2 Bahrdt Carl Friedrich, *Geschichte seines Lebens, seiner Meinungen und Schicksale* (Berlin, Friedrich Vieweg der Ältere: 1791) vol. 3, 64, 65.

thought that when he spoke of *Aufklärung* he was simply using a synonym for *Erleuchtung*, a term whose mystical religious connotations allow it to be perhaps best rendered as 'illumination'.³

Illumination suggested some kind of insight or knowledge imparted to the worthy recipient directly from God. To Kant's mind such illumination was quite distinct from Enlightenment; a point that was evident from his insistence that Enlightenment had a social dimension. It was not an individual but rather a group activity, and when such a group, such as the wider public, were given the freedom to engage in an open exchange of ideas, it was in Kant's view almost inevitable that Enlightenment would unfold as a historical process.⁴ This meant that the mystic who retreated from society for the purpose of meditation about God, for communion with God and perhaps even for *Erleuchtung* (i.e. 'illumination') from God, was, whatever else he or she might be doing, *not* engaged in Enlightenment.

Enlightenment was thus not compatible with solitary isolation from society. But what if a number of people jointly isolated themselves from the rest of society? Historically this impulse had a long tradition in the form of monastic communities, and yet the interpersonal relationships in cenobitic monasticism were merely means of enabling an intensified relationship to God. From the seventeenth century onwards, the ideal of a communal retreat from society began to take on a more utopian character. The enclave thus created—an inner world whose secrecy sheltered it from the wider world with its hierarchical distinctions and its artificial conventions—beckoned with the promise of

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- 3 This is related in Laukhard Friedrich Christian, *Beyträge und Berichtigungen zu Herrn D. Karl Friedrich Bahrdts Lebensbeschreibung* (s.l., s.n. [i.e. Halle, Johann Christian Hendel]: 1791) 165–166. Obviously on a metaphorical level both concepts (*Aufklärung* and *Erleuchtung*) appealed to light, which in contrast to darkness was the medium in which knowledge was constituted. Yet the concepts differed in where they located the source of the light. 'Enlightenment was free thought' guided by 'sound reason' exercised by autonomous subjects (thus some of the further characteristics given by Laukhard, *Beyträge und Berichtigungen* 165). By contrast, *Erleuchtung* or illumination had its roots in a conception of knowledge transmitted from God above to humble terrestrial recipients below. See for a general discussion of the metaphorical aspects Reichardt R., "Light Against Darkness: The Visual Representations of a Central Enlightenment Concept", *Representations* 61 (1998) 95–148.
- 4 Kant sees little prospect of individuals individually enlightening themselves and then contrasts this with the prospect for collective Enlightenment, writing: '...that a public [Publikum] should enlighten itself is more likely; indeed it is nearly inevitable, if only it is granted freedom.' (Schmidt, *What is Enlightenment?* 59).

a freer and more authentic exchange between man and his fellow man (and when it comes to the secret societies, it really was very much a male domain).⁵

At a point in his later essay *On the Common Saying: 'This may be true in Theory, but it does not apply in Practice'* (1793) Kant appended an interesting characterization of the secret societies to a reprisal of his argument for a right to free and open discussion. Rather than contravening the spirit of Enlightenment, secret societies were, he claimed, actually forums where Enlightenment found refuge. In these secluded forums free and frank exchange could take place, although the more general social and political conditions might be inimical to such exchange. Because it contains a passage which is the only instance where Kant comments upon the secret societies, it is worth quoting here *in extenso*:

In every commonwealth, there must be *obedience* to generally valid coercive laws within the mechanism of the political constitution. There must also be a *spirit of freedom*, for in all matters concerning universal human duties, each individual requires to be convinced by reason that the coercion which prevails is lawful, otherwise he would be in contradiction with himself. Obedience without the spirit of freedom is the effective cause of all *secret societies*. For it is a natural vocation of man to communicate with his fellows, especially in matters affecting mankind as a whole. Thus secret societies would disappear if freedom of this kind were encouraged.⁶

Where a repressive regime in its demand for obedience stifles the free discussion essential to Enlightenment, the natural need to engage in such discussion will find an outlet in secret societies. Thus whatever attempts the religious and secular authorities might make to suppress Enlightenment, in effect they only succeeded in forcing it to retreat from public life into the crypto-public sphere of secret societies where it will continue to unfold.⁷

5 See Maurice F., *Freimaurerei um 1800. Ignaz Aurelius Feßler und die Reform der Großloge Royal York in Berlin* (Tübingen: 1997) 1–14.

6 “On the Common Saying: ‘This may be true in theory, but it does not apply in practice’”, in: Reiss H. (ed.), *Kant’s Political Writings* (Cambridge: 1970) 85–86.

7 The notion of a crypto-public sphere (*Kryptoöffentlichkeit*) was put forward by Schindler N., “Freimaurerkultur im 18. Jahrhundert. Zur sozialen Funktion des Geheimwissens in der entstehenden bürgerlichen Gesellschaft”, in Berdahl R. M. et al. (eds.), *Klassen und Kultur. Sozialanthropologische Perspektiven in der Geschichtsschreibung* (Frankfurt am Main: 1982) 205–262. This line of interpretation, which affirmed the Enlightenment credentials of the secret societies, has been handed down into the present; indeed, reading what Habermas says about the secret societies in *The Structural Transformation of the Public Sphere* gives

Kant's characterization of the secret societies thus attributed a purely functional quality to their secrecy; in his interpretation the secrecy was a historical necessity, adopted to shield the secret society from the repressive conditions under which the wider society languishes and which the secret society in constituting itself aims to escape. Yet upon immersion in the historical material, it becomes clear that this interpretation is only valid for a subset of the secret societies. The secret societies were often enthralled to a substantive notion of the secret; the society was a secret society because it allegedly guarded secret knowledge. Such knowledge was understood to be not a product of Enlightenment in the Kantian sense. Rather it was something closer to the 'illumination' which Bahrdt's lay commoners had mistakenly taken to be the meaning of the term *Aufklärung*. Many contemporaries thus joined secret societies not in the expectation of participating in open conversation about the issues of the day (as Kant might have imagined) but rather in the hope of being initiated into—and 'illuminated' by—some higher form of knowledge.⁸

In order to clarify the difference between the two understandings of the secret intimated here, we can ask whether the secrecy of the knowledge in question is—to use an Aristotelian distinction—an 'accidental' rather than an 'essential' attribute. The tendency today is to think of secrecy as an accidental attribute, meaning that the knowledge in its state of secrecy is the same knowledge once it has been disclosed; it has simply shed its accidental attribute of

the impression that he is essentially paraphrasing Kant. 'The secret promulgation of enlightenment typical of the lodges [...] had a dialectical character. Reason, which through public use of the rational faculty was to be realized in the rational communication of a public consisting of cultivated human beings, itself needed to be protected from becoming public because it was a threat to any and all relations of domination.' (Habermas J., *The Structural Transformation of the Public Sphere. An Inquiry into a Category of Bourgeois Society* [1962] (Cambridge, Mass: 1989) 35).

8 Monika Neugebauer-Wölk has been the most insistent and probing historian in drawing attention to this aspect of the secret societies. Her research has, more particularly, been sensitive to the danger of projecting the Kantian understanding of Enlightenment backwards in time onto the decades that preceded its formulation. As she writes in "Esoterik im 18. Jahrhundert – Aufklärung und Esoterik. Eine Einleitung", in Neugebauer-Wölk M. (ed.), *Aufklärung und Esoterik* (Hamburg: 1999) 1–37, here 2: 'Das Problem dabei ist, daß der Kantsche Entwurf eigenständigen und unabhängigen Denkens am Ende der Aufklärung als historische Epoche steht, mithin das Ergebnis ihrer Entwicklung ist, nicht diese Entwicklung selbst. Das Verständnis aufgeklärten Denkens in der Auffassung Kants ist grundlegend für das Denken der Moderne, nicht für das des 18. Jahrhunderts'.

secrecy. There is, however, the possibility that secrecy might inhere to knowledge as an essential—and thus not accidental—attribute.⁹

Interestingly enough, Kant hinted at such a distinction when sketching a typology of secrets in *Religion within the Boundaries of Mere Reason* (1793). There he distinguishes holy secrets or mysteries from two more profane versions of the secret, namely *arcana*, or hidden things of nature, and *secreta*, or political things kept secret. In both these latter cases, it is possible for us to learn of the secret from someone else. The mysteries, by contrast, are secrets that by their very nature cannot be communicated.¹⁰

It is important to be aware of the difference between Kant's mysteries as they figure within his rational religion and the secrets of higher knowledge. First, the esoteric tradition foresaw the possibility of communicating such secrets through the act of initiation; this belief was underpinned by the presumption that the initiate was indeed worthy of receiving this higher knowledge. This implies a second difference; because Kant is at pains to reconcile his understanding of these mysteries with a rational form of religious belief, it follows for him that the mysteries can be cognized by every individual because all human are rational beings. In the esoteric tradition by contrast, only the elect possess this knowledge. This finally brings us to yet another difference; Kant's mysteries, in keeping with the general character of his philosophy of religion, are 'objects of reason,' even if they are not communicable.¹¹ The mysteries of the esoteric tradition were by contrast not beholden to any such conformity with human reason.

A historical inquiry into eighteenth-century secret societies requires us to consider secrets in their many guises, including those secrets whose nature

⁹ One can consider how this relates to Georg Simmel's famous discussion of the secret in his seminal essay "The Sociology of Secrecy and the Secret Societies", *The American Journal of Sociology* 11, 4 (1906) 441–498. Simmel discusses the secret in terms of a difference between content and form and thus imagines situations where the form fulfils a social function and where the content can conceivably be exchanged (such as when the bank issues a new pin code). Whereas this effectively trivializes the content, the mystery represents the secret where such an exchange of content is unimaginable.

¹⁰ Kant Immanuel, *Religion within the Boundaries of Mere Reason and Other Writings*, ed. and trans. A. Wood – G. di Giovanni (Cambridge: 1998) 140–141. In fact, it might be argued that there is a non-mysterious form of incomunicable knowledge, namely the tacit knowledge which was explored by Michael Polanyi. See his *The Tacit Dimension* (New York: 1966).

¹¹ Kant, *Religion within the Boundaries of Mere Reason* 140.

is akin to that of the mystery.¹² Such an inquiry, however, also encourages us to consider something else, namely nescience, ignorance, nonknowledge; in other words, the theme addressed by the various contributions to this volume. The reasons for this are readily apparent. A secret represents an asymmetry in the distribution of knowledge. As such, it is just as much about what some people do *not* know as what others do know. As a result, a very common explanation for ignorance invokes secrecy: we do not know something because it is a secret.

On a few occasions, the eighteenth-century discussion about secret societies prompted its participants to consider the epistemology of the secrecy. Just as the Enlightenment became a focus of intense public discussion, so too did secrecy and secret societies. As might be expected, the two discussions actually overlapped and intertwined with each other.¹³ ‘In what a period of strange conflict between secret intrigue and publicity, between darkness and enlightenment, between light and shadow we live!’, proclaimed one contemporary piece with the title *Of Secret Societies: for the general Enlightenment by a Protestant*.¹⁴ In what follows, a number of writings will be considered that document how in the context of this discussion about Enlightenment and the secret societies the notion of the secret was subject to scrutiny and how this in turn gave rise to interesting reflections on the issues of ignorance, nescience and nonknowledge. Two aspects of the secret societies were particularly disposed to generate such reflections when they came into contact with Enlightenment sensibilities: (i) the question of the ‘unknown sciences’ (or, more accurately the science of the ‘unknown’, i.e. of the occult) and (ii) the question of the unknown superiors, the hidden masters who from behind the scenes allegedly controlled the secret societies.

¹² By contrast Daniel Jütte in a recent study devoted to the early modern Jews who plied a trade in secrets of a diplomatic, economic and technical nature felt entitled by his subject matter to bracket out those secrets akin to mysteries. See his *Das Zeitalter des Geheimnisses. Juden, Christen und die Ökonomie des Geheimen (1400–1800)* (Göttingen: 2011) 14–15.

¹³ In his introduction to the compilation of articles from the *Berlinische Monatsschrift*, Norbert Hinske identifies the problem of the secret societies as a recurring theme running through the journal and thus rubbing shoulders with questions related to Enlightenment. See Hinske, *Was ist Aufklärung?* LXVII–LXIX.

¹⁴ [Fessler Ignaz Aurelius (?)], *Über geheime Gesellschaften zu populärer Aufklärung von einem Protestant* (Schweinfurt, Grießbach'sche Buchhandlung: 1786) 5: ‘In welcher Periode von wunderbarem Kampf zwischen heimlichen Ränken und Publizität, zwischen Dunkelheit und Aufklärung, zwischen Licht und Finsterniss leben wir?’

In 1717 four London masonic lodges convened to create what became the Grand Lodge of England. On this occasion, Anthony Sayer was elected Grand Master. We know very little about Sayer, but this dearth of information is due to the normal dilution and diminution of knowledge as a person's life or a specific event recedes into the past, as acquaintances and eye-witnesses pass away and as relevant material is lost or destroyed.¹⁵ There was, in other words, no concerted or conscious effort in 1717 to hide the identity of Anthony Sayer from other members of the Grand Lodge. In the following decades, Freemasonry jumped the channel and spread through Europe, spawning and inspiring numerous other secret societies and innovating new forms of the secret as it did so. By the 1770s and 1780s much discussion and speculation in Germany in particular was devoted to the notion of the unknown superiors. The unknown superiors were the hidden masters who presided over Freemasonry or other secret societies and whose identity—in contrast to that of Anthony Sayer—was kept secret.

Taking the meeting in 1717 as a point of comparison demonstrates a simple fact: the unknown superior—a figure that with its reference to 'unknown' makes explicit the relationship between secrecy and ignorance—was the product of a historical development. This development had seen the whole architecture of secrecy associated with these secret societies become increasingly elaborate. The identity of the unknown superior was one of the higher secrets, meaning that the initiate who joined the ranks of the secret society would have to climb many more rungs of the internal hierarchy before he became privy to the identity of the unknown superior.

The idea of the unknown superior first came into its own within the masonic system known as the Strict Observance. This system traced its origins back to the Knights Templar, the crusading monastic order which had been proscribed at the instigation of the French King Philip IV by Pope Clement V in 1312. From this backstory it could be easily inferred that the unknown superior was the Grand Master of the Knights Templar, which as an order, rather than disappearing, had according to the legend continued to exist in hiding. If this logic assigned to the unknown superior an identity linked to a secret of a historical nature (i.e. that Freemasonry was descended from the Knights Templar), other

¹⁵ 'The most elusive Brother among Masons is no doubt the first Grand Master' – Thus begins the attempt by J. Walter Hobbs to shed some light on Sayer's life in "Mr. Anthony Sayer: Gentleman. First Grand Master of the Masons, 1717", *Ars Quatuor Coronatorum* xxxvii (1924) 218–239.

forms of mysterious secrecy very quickly began to accrete around the concept of the unknown superior in the form of associations with alchemy and magic. On this basis, the unknown superior entered the mythology of those secret societies who espoused no connections to any chivalric order. Unknown Superiors would play their part in other secret societies such as the Illuminati, the Late Rosicrucians and the *German Union*.

But did they really exist? The answer depended upon the secret society. When it came to the Strict Observance, there were strong suspicions by the 1770s that the unknown superiors were merely a fiction. At the same time, many felt distinctly uneasy about the possibility that they might exist, especially because initiates into this system had sworn a vow of obedience towards these invisible authorities; a practice that, as one writer ruefully acknowledged, was 'as true as it was improbable' (*eben so wahr als unwahrscheinlich*).¹⁶ The disorientation and disenchantment to which these doubts and misgivings gave rise generated a wish for reform. In 1781 the well-known publisher, translator, counsellor at the ducal court in Weimar and enthusiast of secret societies, Johann Joachim Christoph Bode, printed *Ordered Dutiful Considerations* (thus the shortened title to be used here), a piece foreseen for internal circulation within the lodges and culminating in the call for a convention. Bode was far from alone in arguing for such reform. From 16 July to 1 September 1782 delegates from masonic lodges met in Wilhelmsbad to deliberate upon a reform of their organization.

The greater part of Bode's piece is devoted to an exhausting semiotic proof of his conviction that Freemasonry has its origins not in the Knights Templar but rather in an attempt by the Jesuits to re-establish Catholicism in England after the English Reformation had severed the ties to Rome. 'Suspicions that Freemasonry [...] could be a work of the Jesuits, I have had for some years'.¹⁷ Bode, however, had continued to work within the masonic system of the Strict Observance on the basis of the assurance he saw in the protection it received from princes and other members who were unquestionably devoted to the Protestant Religion. Things had changed, however: New developments in the order had prompted an important question: 'Do we still have unknown superiors, and of what kind are they? These developments have made a discussion necessary that approaches the truth as closely as possible and so I have put

¹⁶ *Einige, der Beherzigung aller Deutschen BBr. des mit der Fr. My. verbundenen 1. Ordens, besonders derer, welche an der Direction dieses Ordens mittel oder unmittelbar Theil haben, vorgelegte Fragen und Gedanken. Derweile es noch Zeit ist (s.l., s.n.: 1782) 14.*

¹⁷ GStA Berlin 5. 2. G 39, no. 99/53 [Bode]: *Anbefohlnes Pflichtmässiges Bedenken über das höchstverehrliche provisorische Circulare S. M. S. O. à Victoria, sub dato 19. Sept. 1780. einen allgemeinen Ordens Convent betreffend* 27.

all reservations to the side in order to speak without any ulterior motives of what I believe to see in the order with the openness with which someone dying speaks to those who will remain behind'.¹⁸

Something else perturbed Bode. Freemasonry had been infused with promises of insights into esoteric knowledge. Speculation about such knowledge, although it had fired the enthusiasm of many members, had had the net effect of blighting German Freemasonry with a susceptibility to the spurious claims of impostors. Bode was adamant that the order could never be stabilized until the exact nature of these 'esoteric secrets' was determined in a forthright and open manner.¹⁹ Yet although he wished to banish all references to alchemy, magic and occult science from the attempts to explain masonic symbols, he was not willing to unconditionally discount the possibility of such knowledge:

There are admittedly many things under the sun of which our philosophy does not dream. For that reason my ignorance (*Nichtwissen*) of—and disbelief in—these so-called higher sciences cannot place a speck of evidence upon the scales [in weighing up such arguments]. But if we admit the possibility and even the reality of such sciences, it surely is immediately evident that a man who possessed such knowledge would have to bear such a stamp of wisdom in his discourse and his actions that no counterfeiter could forge similar images of him.²⁰

Bode seems to be arguing that if the truths as those allegedly contained in the higher sciences were really so exalted, there would be no chance of mistaking

¹⁸ *Anbefohlnes Pflichtmässiges Bedenken* 27.

¹⁹ Bode speaks of the 'new and vague idea of scientific [or better: pseudo-scientific] secrets of the order' [*die neue und vague Idee von wissenschaftlichen Ordens-Geheimnissen*]. 'In ihr ist der Keim fast aller nachherigen unangenehmen Vorfälle des Ordens unserer Provinz zu suchen, und es ist mir wenigstens Wahrheit, dass der Orden durch alle Mühe und Kosten der edelstdenkenden Bundesbrüder nie zu einer ruhigen und dauerhaften Consistenz gebracht wird, so lange diese schwankende *Idee von wissenschaftlichen* Ordens Geheimnissen nicht auf die unverblümteste Art, der Wahrheit gemäss bestimmt wird.' (Bode, *Anbefohlnes* 5–6).

²⁰ 'Freylich giebt es viele Dinge unter der Sonne, wovon unsere Philosophie noch nichts träumet, und also kann mein Nichtwissen von—or mein Unglaube *an* diese sogenannte hohe Wissenschaften dagegen kein Sonnenstäubchen auf die Wagschale bringen: aber die Möglichkeit und selbst die Wirklichkeit dieser Wissenschaften zugegeben, so fällt doch so viel wenigstens gleich beym ersten Anblick in die Augen, dass ein Mann, der davon eine oder gar beyde besässe, mit einem solchen Stempel der Weisheit im Reden und Handel bezeichnet seyn müste, dass keine falschen Münzer ihm ähnliche Bilder prägen könnten.' (Bode, *Anbefohlnes* 42).

them for deceitful imitations. A consideration of the recent history of impostors in Freemasonry—alchemists who borrowed metals that they could not pay for, either before or after their laboratory work, and high masters of magic who were incapable of writing four lines of comprehensible prose in any language, including their own mother tongues—induced in Bode an acute scepticism. Hard-won and bitter experience counselled a modern, enlightened view.

A similar agnosticism is expressed in another piece printed at the beginning of the following year and once more bearing a convoluted and barely translatable title: it will simply be referred to here as *Some Questions and Thoughts*.²¹ Traditionally, the piece has been attributed to Bode, yet there are good reasons to be cautious in the question of its authorship.²² There is, for example, no sign of the obsession with Jesuits; an obsession which Bode had fully indulged in the *Ordered Dutiful Considerations*. And there is the anonymity itself, which Bode had decided to forego and yet which the author opts for in printing this piece. For these and other reasons, I opt for prudence here by not presuming the author to be Bode. (In effect, I will avow a position of non-knowledge). This decision should not, however, inhibit an acknowledgment of the similar sentiments to be found in both pieces, first with regard to esoteric knowledge—or the ‘unknown sciences’—and secondly with regard to the unknown superiors.²³

As interrelated as these two phenomena might be, the author of *Some Questions and Thoughts* differentiates his attitude towards them by posing for each a list of questions. He begins with the ‘unkown sciences’:

What is unknown knowledge?
 In what does it consist?
 What use is it?
 Who does it benefit?
 Who possesses it?
 Who possessed it earlier?²⁴

²¹ *Einige, der Beherzigung aller Deutschen BBr.* 14.

²² Lenning C., Art: “Johnson”, *Encyclopädie der Freimaurerei*, Band 11: H-M (Leipzig: 1824) 145, is the earliest source I have found which attributes this piece to Bode. The attribution is repeated virtually everywhere else, including in August Wolfstieg’s *Bibliographie der Freimaurerischen Literatur* (Leipzig: 1912) vol. 2, 534, where *Einige, der Beherzigung aller Deutschen BBr.* is listed as item 33447. I am indebted to Reinhard Markner for pointing out the shaky foundations on which this attribution rests.

²³ Perhaps most importantly, there is a consistency between both texts with regard to the demand for a reform of Freemasonry.

²⁴ *Einige, der Beherzigung aller Deutschen BBr.* 42.

The author comes to the following conclusion: 'I know nothing about the unknown precisely because it is unknown'. This somewhat tautological remark counsels an agnostic attitude towards the occult sciences. In keeping with the position expressed by Bode in *Ordered Dutiful Considerations*, the author does not want to dismiss the possibility of esoteric forms of knowledge: 'Such a science possibly exists precisely because it is unknown!'

The author then turns his attention to the unknown superior and poses a similar series of questions:

- What is an unknown superior?
- How is he called?
- Is he born into this position?
- Is he elected to it?
- On the basis of what laws does he hold it?
- Is he also my superior?²⁵

The epistemological status is, according to the author, the same: 'I do not know about the unknown superior because he is unknown'. And yet there is a decisive difference: 'Possibilities have their role to play when it comes to speculation [as was the case with the possibility of the occult sciences], they have no place when it comes to real duties and rights'. In other words, non-knowledge—or the 'unknown'—is entirely misplaced when it comes to establishing legitimate relations of power. In such situations, both those who hold power and those subject to it need to know where they stand in terms of their respective rights and duties. Thus while in the case of the 'unknown sciences' the author can simply shrug his shoulders about their possibility, in the case of unknown superiors such nonchalance is out of the question.

It is interesting to consider how this position relates to Kant's later comment about the secret societies. Kant was obviously arguing from a position which asserted the right of those subject to power to publicly discuss and criticise its exercise. Of course, the author of this piece was effectively making use of this freedom (even if under the cover provided by anonymity). Yet he was not criticizing so much the exercise of power by the unknown superiors—in fact, the elusiveness of the unknown superiors was most obvious precisely in the way this power had not been exercised—but rather criticizing its lack of legitimacy. Kant in the quotation given above asserts that each individual has 'to be convinced by reason that the coercion which prevails is lawful'. This can obviously only happen if each individual is sufficiently informed about the

²⁵ *Einige, die Beherzigung aller Deutschen BBr.* 43.

rights he possesses, the duties he has to perform and the legitimacy underpinning the power he serves. None of this was true in the case of the unknown superior. Instead, a blind obedience was demanded—and its blind nature was the natural correlate to the unknown nature of the unknown superior. But more fundamentally, its blindness had to do not just with the hidden identity of the power-holder but also with the fact that the legitimacy on which this power rested was never disclosed. From the series of question he poses, it is clear that the author of *Some Questions and Thoughts* demands clarification on such matters, asking whether one is elected to the office of unknown superior or whether one inherits it and presuming that there are laws on the basis of which this office is held.

Kant's comment on the secret societies occurs—as we have seen—as an appendage to a reprisal of arguments about free expression, but it is also fits into the context of a critique of Hobbes' far more austere view of the relationship between the subject and the sovereign. While both Hobbes and Kant agree in rejecting any right to resistance on the part of the subjects, Kant insists upon a right to criticism, to be exercised by voicing one's opinion in the public sphere. Does the unknown superior correspond therefore to the Hobbesian notion of a sovereign who gives protection in exchange for obedience and thereafter is free to act in a largely arbitrary manner, neither being checked by law (because the sovereign is the source of law) nor being obliged to tolerate criticism?

Hobbes is never mentioned in *Some Questions and Thoughts*, although the author implicitly invokes a Hobbesian model of power in expecting protection to be given to those who swear obedience. Of course, it can be asked: protection against what? Careful to observe a delineation between the respective jurisdictions of the secular authorities and the masonic authorities, the author writes: 'Since we can and may not have superiors who use us to political ends, we can expect no other kind of protection from our superiors than protection against false apostles'.²⁶ The author was referring to the long succession of impostors who had abused the trust of the masons with misleading claims and promises of higher knowledge. Yet instead of intervening, the unknown superiors (presuming they actually exist) had abandoned their charges. Thus even when measured against the Hobbesian model, the unknown superiors fall short. At best, their attitude can be described as one of benign neglect.

²⁶ *Einige, der Beherzigung aller Deutschen BBr.* 28: 'Da wir keinen Oberen haben können, nicht haben dürfen, der uns zu politischen Absichten brauche, so können wir auch keinen andern Schutz, als gegen falsche Apostel von ihm erwarten [...].'

In a later passage, the author explains this dereliction of duty in terms of either a political relationship between subject and authority or of the paternal (and philosophically far less Hobbesian) relationship between father and child, asserting that this effective abdication annuls any obligations that might otherwise exist:

The unknown superiors, who some have taken to calling fathers of the order, instead of making us indebted to them, have grossly transgressed against us by leaving us, their alleged subjects, or children, without any protection and instruction. They have taken no interest in us, as would befit the duty of superiors or fathers and have exposed us in our innocent naiveté to anyone who seizes us and want to lead us into a baleful labyrinth.²⁷

Even if these were not Bode's words, they express a sentiment with which he certainly would have agreed. Bode was undoubtedly pleased that his patron Duke Ernst II. of Saxe-Gotha-Altenburg adopted a similar view (most likely doing so under the influence of Bode's advice). When Bode set off to Wilhelmsbad to participate in the negotiations for a reform of Freemasonry, he had received the following instruction from Ernst II.: 'If there is talk of unknown superiors and a subjection to them or any connection between them and Freemasonry, he [i.e. Bode] is to declare in my name that I regard a connection with people unknown to me to be contrary to my person and to the worldly estate in which providence has placed me'.²⁸ At the convent the system of the Strict Observance with its legend about the Knights Templar was laid to rest. And yet curiously enough, throughout the remaining part of the decade other secret societies continued to invoke the authority of unknown superiors, even though these societies made no pretences of any connection to chivalric orders.

27 *Einige, der Beherzigung aller Deutschen BBr.* 49: '... daß diese unbekannten Obern, die man seit einiger Zeit auch Ordens-Väter zu nennen affectiret, anstatt sich um uns verdient gemacht zu haben, sich dadurch gröblich an uns verschuldet, daß sie Uns, ihre prätendirten Unterthanen, oder Kinder, ohne allen Schutz, Unterricht und Erziehung gelassen, sich um uns gar nicht bekümmert, wie es doch Pflicht der Obern oder Väter gewesen wäre, und uns in unserer unschuldigen Leichtglaubigkeit einem Jeden preiß gegeben haben, der uns dabey fassen, und in ein verderblisches Labyrinth führen wollte'.

28 GStA Berlin 5.2. G 39: "Unterthanigster Vorschlag (a) zu einem Schreiben an den Herzog Ferdinand b) zur Vollmacht an den General-Convent und c) zu meinem Eid für den Correspondierenden Brüder".

3

In December 1787 Kant received a letter, addressed to him out of an awareness that 'you [i.e. Kant] love the Enlightenment'.²⁹ The letter inquired as to whether Kant might be interested in learning more about a secret society and its plan to promote Enlightenment. If yes, then he was to forward a letter to Christoph Friedrich Sangerhausen, the rector in the village of Aschersleben; Sangerhausen was presumably to simply act as an intermediary because the letter itself was to be addressed to the xxii. If no, he was requested to destroy the letter immediately. Kant was obviously not the only person to receive such a letter and among the others were obviously some who were curious about this organization. Sangerhausen, for his part, does not seem to have been consulted about his involvement. Suddenly he found himself inundated with letters addressed to the xxii.

By some means Sangerhausen managed to identify the inspector and preacher Joh. Heinrich Müller in Calbe as an important participant in the project. In a letter addressed to him Sangerhausen asked with some exasperation: 'How is it possible that under my name invitations to a project have been dispatched about which I know less than any man born to woman? How did others living hundreds of miles east and west of me come to know of my name without me having the slightest inkling of this?'³⁰ And yet in a telling sign of this age's enthusiasm for secret societies, Sangerhausen abruptly relents from his tone of righteous indignation and instead makes earnest inquiries about the society and his prospects of joining it. Curiosity about the xxii had obviously got the better of him.

As for Kant, there is no evidence indicating that he pursued this matter any further; he neither contacted Sangerhausen nor did he destroy the letter. Yet other reasons far more compelling than Kant's indifference to juvenile cat-and-mouse games ensured that this secret society would soon be exposed. The Society of the xxii, or the *German Union* as it was also known, was the

²⁹ Kant's *Briefwechsel* (Berlin: 1922) Band x: *Briefe 1747–1788*, Brief 311, 508–511.

³⁰ Pott Degenhard (ed.), *Briefe angeschener Gelehrten, Staatsmänner und andere an den berühmten Märtyrer D. Karl Friedrich Barhdt. Fünfter Theil enthält die Geschichte der Deutschen Union oder der Zwey und Zwanziger* (Leipzig, In der Weygandschen Buchhandlung: 1798) 30: 'Wie ists möglich, daß unter meinem Namen Einladungen herumgesandt wurden zu einer Sache, wovon ich weniger weiß, als jeder vom Weibe Gebohrner? Wie konnten andere vielleicht hundert Meilen gegen West und Osten auf meinen Namen schon lange her angewiesen werden, ohne daß ich die geringste Nachricht oder Belehrung deswegen bekam?'—The letter carries the date 29 January 1788.

brainchild of Bahrdt, the theologian whose sermons had caused confusion among the laity about the difference between Enlightenment and illumination.³¹ Bahrdt had been forced to flee the German Palatinate in 1779 on account of an allegedly heretical translation of the New Testament. He had found a refuge of sorts on Prussian territory in the university town of Halle. After having been progressively marginalized from the academic life of the university, he alighted upon the idea of a secret society as a new means to propagate Enlightenment. However, his notorious dissoluteness and his almost habitual indiscretions condemned the *German Union* to a short life. Bahrdt's role in the organization would lead to his arrest in April 1789 and to a fifteen-month prison sentence spent first in Halle and then in the Magdeburg fortress.

Bahrdt had also provoked the ire of the Prussian government by authoring a play that satirized a central initiative it had taken after Frederick William II had succeeded his uncle, the enlightened monarch Frederick II, to the throne. The new monarch had little sympathy for the freedom of expression that had been allowed under his predecessor and vindicated philosophically by Kant. The reversal in state policy announced itself in the form of an Edict on Religion in August 1788, followed in December of that year by an Edict on Censorship; both were promulgated with the intention of curtailing such freedom. Kant himself experienced the effects of the new regime's repressive policies when his religious writings were denied the royal imprimatur and he was forbidden from publishing on such matters.

Bahrdt's organization provides a case that seems to affirm Kant's diagnosis of the secret societies as a natural reaction to the suppression of Enlightenment; even if Kant had no interest in joining the *German Union*, it can be asked whether the program articulated in the invitation he received influenced his later assessment of such societies. For Bahrdt's *German Union* is a paradigmatic example of a secret society devoted to Enlightenment and formed under the repressive conditions created by an anti-Enlightenment political agenda. And yet despite its commitment to Enlightenment, the *German Union* also carried an inheritance of those less-enlightened aspects of the secret societies. In particular, there was the appeal to xxii unknown superiors.

31 For information on the *German Union* see Mühlfordt G., "Europarepublik im Duodezformat: Die internationale Geheimgesellschaft 'Union'", in Reinalter H. (ed.), *Freimaurer und Geheimbünde im 18. Jahrhundert in Mitteleuropa* (Frankfurt: 1983) 319–364, and "Lesegesellschaften und bürgerliche Umgestaltung. Ein Organisationsversuch des deutschen Aufklärers Bahrdt vor der Französischen Revolution", *Zeitschrift für Geschichtswissenschaft* 28, 8 (1980) 730–751.

One pamphlet published anonymously in Berlin in 1789 admittedly paid little heed to these XXII unknown superiors and focused instead on the more fundamental tension between secrecy and the creed of Enlightenment. The pamphlet bore the title *X. Y. Z. or New Insights into the German Union and Scottish Masonry: A Glimpse into the Inner Workings of Secret Societies*. (X., Y. and Z. are simply the denotations for the participants in the dialogues that make up the main body of the work.) In its introduction, this pamphlet did something remarkable; responding specifically to the general discussion about Bahrdt's *German Union*, it invoked Kant's philosophy to assess the pretences to secret knowledge made by secret societies in general.³²

The arguments contained in this introduction take as their point of departure the expectation that the initiation into a secret society would involve the revelation of the secret to the initiate: 'Anyone who joins a secret society can harbour the hope of learning something which is kept a secret from the rest of the world'.³³ As mentioned above, over the course of the eighteenth century the architecture of the secret societies had become more complex and by 1789 this development had long effected a dissociation of initiation into the secret society and initiation into the secret of the society. And yet such a qualification hardly invalidates the ultimate point of the argument, namely: that the passive reception of knowledge represented by initiation into a secret runs counter to Kant's enjoinder to independent thinking. The author thus comes to the conclusion that 'if the truth is of benefit to us, then it must be the reward for our curiosity and our own exertions, and not a gift imposed upon us'. 'The truth given to us as a gift has no interest for the human spirit... it is not alive' and, according to the author, it can even be 'harmful'.³⁴

³² It is perhaps worth noting that Kantian philosophy had begun to make inroads at the University of Halle through the philosopher Ludwig Heinrich von Jakob. See Meyer R., "Die Kantsche Philosophie im Lehrbetrieb der Universität Halle am Ende des 18. Jahrhunderts", in Donnert E. (ed.), *Europa in der Frühen Neuzeit. Festschrift für Günter Mühlendorf* (Cologne: 2002) vol. 6, 237–288. See also Jakob's *Denkwürdigkeiten aus meinem Leben*, ed. H.-J. Kertscher (Halle: 2001) where Jakob also tells of the rather unscrupulous attempts made by Bahrdt to enlist him as a member in the *German Union*.

³³ *X. Y. Z. oder Neue Aufschlüsse über die Deutsche Union und Schottische Maurerei. Ein Blick in den innern Gang geheimer Gesellschaften* (Berlin, Friedrich Maurer: 1789) 4.

³⁴ *X. Y. Z.*, 9–10. Such statements are reminiscent of Lessing's famous comments upon the search for truth in *Eine Duplik* (1777/78): 'Not the truth which someone possess or believes he possesses, but the honest effort he has made to get at the truth, constitutes a human being's worth. For it is not through the possession of truth, but through its pursuit, that his powers are enlarged, and it is in this alone that his ever-growing perfection lies. Possession makes us inactive, lazy and proud'. Lessing Gotthold Ephraim, "A rejoinder", in *Philosophical and Theological Writings*, ed. Nisbet H. B. (Cambridge: 2005) 98. Lessing

The author arrives at this point after examining the various kinds of knowledge which might be guarded as a secret by the secret society (fig. 13.1). The terminology might strike today's reader in parts as a little counter-intuitive, though it is consistent with Kant's philosophy: There are historical truths, dogmatic truths and the truths granted to us by divine revelation.³⁵ The author then proceeds to demolish the claims made by secret societies to possess any such truths.

The arguments are in themselves interesting and hint at the profound reconfiguration of knowledge of which Kant's philosophy provided both a profound expression and a potent stimulus. Thus with regard to the 'dogmatic' truths, i.e. the truths prescribed by a rigorous application of reason, the author makes the further subdivision into metaphysical and physical truths. He appeals to Kant's *Critique of Pure Reason* (1781, 2nd ed. 1787) in dismissing the claim of a secret society to metaphysical truth; such truths arrived at by some mental process akin to divination and divorced from any basis in sensory perception do not exist.³⁶

The author then turns to the physical truths, citing as examples alchemical expertise or the universal panacea; if such truths constitute the secret of a secret society and have as such been guarded from wider dispersion, there is no reason why rational inquiry undertaken by profanes conducting their studies outside the society will not have uncovered these same truths. In other words, a discovery of some physical truth might grant the discoverer an edge over other truth-seekers but given that these other truth-seekers will sooner or later inevitably be guided to the same discovery by dint of a common rationality, the discovery can only be expected to create a temporary advantage and not the secret knowledge which might justify the long-term existence of a secret society. The relationship to knowledge had thus become a dynamic one, no longer restricted to preservation and transmission, but rather foreseeing continual accumulation and expansion.³⁷

thus also emphasizes the higher value of an active, rather than a passive relation to the acquisition of truth.

35 The designation of a category of 'dogmatic' truths might strike the reader as strange, given that Kant's philosophy is conceived as a method to overcome the imperious claims of metaphysical dogmatism. Yet Kant is willing to acknowledge the right of reason to 'dogmatically' prescribe logical conclusions from solid principles. The distinction between dogmatism and dogmatic reasoning is developed in the preface to the second edition of the *Critique of Pure Reason*, transl. N. K. Smith (Basingstoke: 2003) 32.

36 X.Y.Z. 7.

37 X.Y.Z. 8–9. One sign for this change can be seen in the decline of the polymath; as long as the field of knowledge was seen as stable and finite, mastery over all this knowledge could beckon particularly ambitious and talented scholars as an achievable goal. This changes

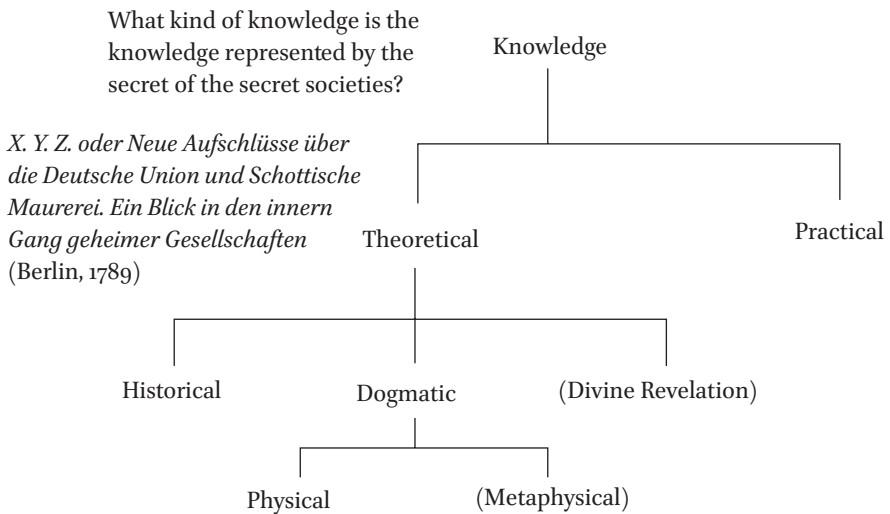


FIGURE 13.1 *The kind of knowledge represented by the secret of the secret societies according to X. Y. Z. oder Neue Aufschlüsse über die Deutsche Union und Schottische Maurerei (Berlin: 1789).*

As to the possibility that the secret societies are in possession of historical knowledge, i.e., knowledge which cannot be obtained by independent means of ratiocination, observation or experimentation, but which exists perhaps as some document guarded by the society, the author feels confident in dismissing the gravity that such knowledge could conceivably possess. This position is underscored by further questions casting doubt on the justification of such a society to exist on the basis of such knowledge: after all, what vouches for the reliability of this historical knowledge and, presuming it does exist and is reliable, what possible reason could there be to deny public access to it and to guard it as a secret?³⁸

Thus, wielding a conceptual axe largely borrowed from Kant's *Critique of Pure Reason*, the author successively fells the claims to a form of knowledge whose protection and transmission might represent the *raison d'être* for a

when the field is suddenly imbued with dynamism. A scholar who spends his time chasing the expanding boundary of knowledge in one direction inevitably loses sight of the boundary as it is pushed back by others in another direction. Cf. Burke P, *A Social History of Knowledge. Volume II: From the Encyclopédie to Wikipedia* (Cambridge: 2012) 161–164.

³⁸ X. Y. Z. 5–6.

secret society. In fact, the critical impetus works on two levels; there is a preliminary ‘pruning’ of the typological tree because some forms of knowledge are in themselves not possible (metaphysical truths), and then a further elimination because some forms of knowledge could not possibly be the knowledge represented by the secret of the secret societies.

And yet as effective as this procedure might be, its trenchancy derives largely from the incommensurability between a modern and an early modern *épistème* (understood in the Foucauldian sense). This is most obvious in the treatment of the third category to which the author of the pamphlet gives short shrift, namely the sacral knowledge imparted by means of divine revelation; the author cannot even imagine addressing readers so naïve as to believe in the possibility of such knowledge.³⁹

Yet it is not just the summary dismissal of sacral knowledge that is revealing but the fact that this form of knowledge has been isolated into a category separate from—but on a par with—the historical and the dogmatic truths. In the literature about the secret societies one often encounters a self-characterization which references both knowledge of a historical and ‘dogmatic’ character. And yet overarching both variants of this knowledge is a knowledge with a higher sacral meaning. Thus James Anderson in the *Constitutions of the Freemasons* (1723) maps out an extravagant lineage which traces Freemasonry back to the Biblical story of creation and describes Adam as the first recipient of masonic knowledge, bestowed upon him directly from God. Here the historical truths and the knowledge imparted by divine revelation are very much entwined. In a similar manner, the alchemical knowledge is not just mundane physical knowledge but, according to alchemical lore, knowledge that has often been granted to an elect individual in a singular instance of divine revelation. Complementing this is the *topos* of the later keen alchemist who tirelessly toils away in the laboratory without success until he realizes that the only means to progress in knowledge is to seek out one of these elect individuals and demonstrate his worthiness as a new recipient of this knowledge and as thus a further link in the hermetic chain by which this knowledge has been passed down through the centuries.⁴⁰

39 X.Y.Z. 9.

40 Thus Arthur Edward Waite writes in his *The Lives of the Alchemystical Philosophers* (London: 1888) 29–30: [...] the best and truest adepts have always insisted on the necessity of an initiated teacher, or of a special intellectual illumination which they term the grace of God, for the discovery of the actual secret of the Hermetic art. Without this light or guidance the unelected student is likely to be adrift for ever on a chaotic sea of symbols, and the *prima materia*, concealed by innumerable names and contradictory or

Thus the anonymous author of *X. Y. Z.* creates purely profane categories of knowledge into which he then shoehorns derivative forms of *historia sacra* and the 'higher' knowledge of alchemy as a preliminary step in undercutting any pretences made by secret societies to guard knowledge of this kind. This in turn forms part of a process of elimination that leads the author to identify one form of secrecy that might indeed justify the existence of a secret society. In the year following the publication of the second edition of his masterpiece (1787) Kant had published the *Critique of Practical Reason* (1788). This allowed the author of our pamphlet to envisage another possibility, namely, that the secret of the secret society was not so much some kind of jealously guarded truth but rather a practical plan. Secrecy as the condition for the implementation of this plan was presumed to afford the most extravagant strategic advantages over other public organizations: 'will not such a society be capable of the most astounding impact'⁴¹

The question for the author was whether such an impact would occur to the benefit or detriment of the general welfare of humanity. On the basis of empirical experience the author felt inclined to assign the secret societies to the

illusory descriptions, will for ever escape him' [My italics]. Obviously as an enthusiast of the occult, Waite can hardly be regarded as an impartial guide to these traditions, yet his works can still be instructive as a starting point for an investigation into alchemical lore. The idea he expresses here is picked up in more recent works of scholarship, see, for example, Long P., "The Openness of Knowledge: An Ideal and Its Context in 16th-Century Writings on Mining and Metallurgy", *Technology and Culture* 32, 2 (1991) 318–355 and Nummedal T., *Alchemy and Authority in the Holy Roman Empire* (Chicago: 2007) 28–30. Monika Neugebauer-Wölk points to the Rosicrucian manuscripts as a further context for the idea of a 'Sukzession der Weisen, die jenseits der Fassade der öffentlich zugänglichen Wissenschaft ihre Geheimlehren über Jahrhunderte hinweg kontinuierlich weitergereicht und damit die sogenannte hermetische Kette gebildet hätten [...]'] (*Esoterische Bünde und Bürgerliche Gesellschaft. Entwicklungslinien zur modernen Welt im Geheimbundwesen des 18. Jahrhunderts* (Göttingen: 1995) 12). Undoubtedly the idea deserves a more focused study which goes beyond such passing references.

⁴¹ *X. Y. Z.* 14. In fact, one finds this rather extravagant estimation of the potency of secret societies in other places; authors frequently assign them a capacity to wrought social and political change that on the basis of a more sober-minded appraisal might be dismissed as excessive. Thus Knigge in his account of his involvement in the Illuminati speaks of his awareness of how the society, if it were to fall into the hands of evil men, would place humanity ('die Menschheit') in great danger. See Knigge Adolph Freiherr von, *Philo's Endliche Erklärung und Antwort auf verschiedene Anforderungen und Fragen, die an ihn ergangen, seine Verbindung mit dem Orden der Illuminaten betreffend* (Hannover, Johann Wilhelm Schmidt: 1788) 47–48. It would be worthwhile to consider the reasons for this exaggerated assessment of the power of the secret societies.

category of necessary evils in this world. As he claims, 'they are needed in this century which seems to contain within it the seed of great revolutions. Once the public and secret battle between truth and lies is decided; then the time has come for these societies to consign themselves to oblivion'.⁴² Interestingly enough, this pamphlet was already available at the Easter book fair in Leipzig in 1789.⁴³ The book had obviously been written and had appeared before events on the other side of the Rhine vindicated the author's somewhat prophetic intuition that his century contained the 'seed of great revolutions'.

4

We can conclude by making some comparisons between the two earlier pieces, which were written at the beginning of the 1780s and which commented upon the masonic system of the Strict Observance, and the latter piece *X. Y. Z.* (1789), which commented on the paramasonic society of the *German Union* created by Carl Friedrich Bahrdt. As indicated, *Ordered Dutiful Considerations* (1781) and *Some Questions and Thoughts* (1782) were either both by Bode or by Bode and a different author, but in the questions of interest here, namely those pertaining to the 'unknown sciences' and the unknown superiors, these pieces adopt highly congruent positions.

(i) While the earlier pieces had admitted the possibility of occult sciences, the full embrace of Kant's philosophy provided the anonymous author of the *X. Y. Z.* pamphlet with an epistemology which allowed him to peremptorily dismiss any insinuations of higher knowledge associated with the secret. Yet even the agnosticism expressed in *Ordered Dutiful Considerations* and *Some Questions and Thoughts* indicates a retreat from belief in esoteric knowledge; both pieces are inimical towards the actual claims made to such knowledge and relatively indifferent to its possibility (in stark contrast to the keen curiosity aroused in many Freemasons at the time by the possibility of such knowledge). Furthermore, neither of the authors of these pieces (assuming they were indeed penned by different authors) aspires to become an adept and neither of them interprets their ignorance about this knowledge as a sign of their unworthiness to receive access to it.

⁴² *X. Y. Z.* 14.

⁴³ *Allgemeines Verzeichnis der Bücher, welche in der Frankfurter und Leipziger Ostermesse des 1789 Jahre entweder ganz neu gedruckt, oder sonst verbessert, wieder aufgeleget worden sind, auch inskünftige noch herauskommen sollen* (Leipzig, In der Weidmannschen Buchhandlung: 1789) 130.

(ii) The logic of elimination employed by the author of the *X. Y. Z.* pamphlet forces a shift in the location of the secret of the secret society, namely: from a secret of a ‘theoretical’ nature to one of a ‘practical’ nature. The author of *Some Questions and Thoughts* anticipates this shift with an allegory. It tells of a brave traveller who, upon putting up for the night, learns of a nearby castle allegedly inhabited by ghosts. Driven by curiosity, he seeks out the castle and finds not ghosts but rather men engaged in some illicit activity. As a result he exposes himself to great danger. ‘What if the unknown superiors [...] are engaged in some such illicit activity?’⁴⁴ Thus a supernatural explanation is superseded by a natural explanation. The castle is not haunted; its secret is rather the practical secret of criminals who are going about their nefarious activities under the cover of darkness and in a secluded place hidden from public view.

The author prefaces the allegory by informing the reader that he feels entitled to tell it on the basis of his confidence that the unknown superiors do not actually exist. Yet it is worth noting how the confidence the author feels in asserting the fictional nature of the unknown superior gives way within the space of a few sentence to apprehension about the danger they might represent. Such vacillation is symptomatic of many situations in which we confront the unknown: inductive reasoning tells us that nothing is there and that there is nothing to fear, and yet inductive reasoning does not possess the logically certainty of deductive reasoning, which would allow us to dismiss with absolute confidence the possibility that something is actually there. As a result, the confidence provided by reasoning from experience is trumped in the next moment by the awareness that such reasoning is very far from being infallible.

(iii) The author of the *X. Y. Z.* document is not so fixated on the figure of the unknown superiors as the author(s) of the earlier pieces; he alludes to the superiors within the *German Union*, but does not claim that their identities are hidden.⁴⁵ By contrast, others who joined the *German Union* developed serious

⁴⁴ *Einige, der Beherzigung aller Deutschen BBr.* 51–52. The author claims to have read this story in the *Mémoires du Comte de Turpin*, though he admits that he might be in error. Lancelot Turpin, comte de Crissé et de Sanzay (1716–1793) does not seem to have written his own memoirs but did provide a three-volume commentary on the *Memorie della guerra* (1703) of Montecuccoli Raimondo, *Commentaires sur les Mémoires de Montecuculi* (Paris, Jacques Lacombe: 1769). However, I have not been able to find in this work any passage which might correspond to the one referenced by the author of *Some Questions and Thoughts*.

⁴⁵ See, for example, *X. Y. Z.* 12, where the author speaks of the ‘dealings with the superiors’ [‘Umgang mit den Obern’]. It could be asked what kind of secret does the hidden identity of the unknown superiors represent within the typology outlined by the author of this piece. An answer would presumably depend upon the kind of knowledge ascribed to

misgivings upon learning that Bahrdt's *German Union* also referred to itself as the Society of the XXII. Friedrich von Stamford, an officer who had returned to Germany after serving with the Hessians in the American Revolutionary War, was one such member. In a letter from 1788 he writes in an almost despairing tone:

I decided to join this society because I had been assured that there were no unknown superiors. Who then are the 22? Why do they hide from me, from an old mason, who for so many years in Germany, for eight years in America and after that in England was engaged in Masonry? who has discovered much, much that is good, much that is honourable but also here and there much that is shallow? Every old mason will ask himself this question far more than the any of the profane who I have recruited.⁴⁶

The modern researcher will admittedly have a different set of questions when it comes to the unknown superiors and will be able to pose them with considerably less emotional investment. And yet an investment of some kind might be worthwhile, not least because the status of the unknown superiors within eighteenth-century secret societies, along with the widespread interest in the 'unknown sciences,' can tell us much about the role which knowledge and non-knowledge play in legitimizing—and delegitimizing—institutional relationships of power.

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the superiors. If the unknown superiors were thought of, for example, master alchemists, then their secret would be, according to the typology, physical secrets. If by contrast the unknown superiors were imagined as the hidden Grand Masters of a chivalric order, then their secret would be of the historical kind.

46 Pott, *Briefe* 206.

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Specifying Ignorance in Eighteenth-Century Cartography, a Powerful Way to Promote the Geographer's Work: The Example of Jean-Baptiste d'Anville

Lucile Haguet

In most history books of mapmaking, it is a commonplace to declare that maps made before the eighteenth century ‘abhor vacuum’,¹ even if that postulate has been challenged for a few decades.² According to this idea, maps would not reveal the limits of mapmakers’ knowledge by leaving any ‘blank space’. In this regard, the Age of Enlightenment was considered as a decisive epistemic turning point, embodied by the French mapmaker Jean-Baptiste d’Anville (1697–1782). He has often been credited with the invention of blank spaces on maps, by his contemporaries themselves as well as by his biographers and nineteenth century mapmakers. Blank spaces were regarded as a visible sign of a massive evolution in the way of dealing with knowledge, a way of drawing a neat and unambiguous line between known and unknown.

Before d’Anville, maps had (supposedly) been made without any distinction between a certitude and a vague assumption. Worse, given the absence of a better option, maps’ weaknesses would have been hidden behind colorful and attractive pictures. By proudly admitting his ignorance, d’Anville showed

¹ Broc N., *La Géographie de la Renaissance, 1420–1620* (Paris: 1980) 172; Lestringant F., *L’Atelier du cosmographe ou l’image du monde à la Renaissance* (Paris: 1991) 159; Surun I., “Le blanc de la carte, matrice de nouvelles représentations des espaces africains”, in Laboulais-Lesage I. (ed.), *Combler les blancs de la carte, modalités et enjeux de la construction des savoirs géographiques (XVII^e–XX^e siècle)* (Strasbourg: 2004) 117–144; Moureau F., *Le théâtre des voyages: une scénographie de l’âge classique* (Paris: 2005) 398. Scholars seem to inheritate this view from nineteenth-century geographers: Eyrès Jean-Baptiste, “Revue. Nouvelle carte de l’Amérique septentrionale” in *Annales des voyages IV* (Paris, Gide: 1833) 278–280.

² Jacob Ch., *L’Empire des cartes, approche théorique de la cartographie à travers l’histoire* (Paris: 1992) 139–141; Harley J. B. – Woodward D., *The History of cartography* (Chicago – London: 1987–1998); Harley J. B., “L’histoire de la cartographie comme discours”, *Préfaces. Les idées et les sciences dans la bibliographie de la France 5* (1988) 70–75.

himself to be the embodiment of the new positive scholar, by asserting an equivalence between knowledge and certainty.

However, this way of depicting the history of mapmaking's evolution is extremely problematic. First of all, the invention of the blank spaces in the eighteenth century has to be questioned. We need to check if blank areas did not exist earlier, if maps were so covered with decoration, and if the picture's aim was really to hide shortcomings or ignorance. Secondly, the statement that old maps mixed certainty and vague intuitions without distinction has to be qualified, even if it is not without importance.

If it appears that mapmakers before d'Anville had already questioned the doubts and hypotheses on maps, the promotion of this French mapmaker as the inventor of the 'blank' on maps has to be reconsidered. In case he did not transform the way of mapping knowledge and ignorance that much, who declared that he had? Did he consider himself a positive scholar? Or was it only a conception of his admirers? If it was a notion of his admirers, what function did this promotion of d'Anville have?

In any case, mapmakers and biographers would not have used up so much energy asserting that d'Anville's created the blank on maps without a good reason. That reason is what we hope to unveil here.

1 The Expression of Ignorance on Maps: The Example of the Maps of Egypt

An examination of all the maps produced over a given period of time shows that they were not decorated with pictures that often, supposedly hiding their deficiencies.³ On the contrary, heavily illustrated maps were the exception, not the rule. If this kind of map seems characteristic of the Renaissance and the classic Early Modern era of cartography, could that not be because historians and publishers preferred to illustrate their books with fancy documents?

The fact is that there were many blank areas in maps before the eighteenth century, even if they were not clearly delineated by a dense toponymy, as a belt of knowledge fastening the unknown. This point is going to be illustrated mainly through a corpus of maps of Egypt or maps of Africa, as highly representative of ignorance in cartography. Africa was considered as the first unknown

³ See the descriptive catalogue of maps of Egypt in Haguet L., *Aegyptus, l'Égypte de l'Occident. Concept et représentations de l'Égypte à travers la cartographie occidentale, du XV^e au XVIII^e siècle* (thèse de doctorat, supervised by Valbelle D., Paris IV – Sorbonne: 2007).

place in the world, according to Voltaire in his *Questions sur l'Encyclopédie*. It was clearly a geographical *topos*:

Geography is one of these sciences which always needs improvement. Despite all efforts, it was not possible to produce until now a precise description of the Earth. All rulers of the world should agree on and support each other for the great construction. But they are usually more occupied with destroying the world rather than measuring it. No one has ever been capable of making an accurate map of Upper Egypt, nor of the Red Sea regions, nor the wide Arabia. We do not know Africa except its coasts, the inner continent is still as ignored as it was at the time of Atlas or Hercules.⁴

Of course, the New World, Australia, Asia were as unknown as the center of Africa. But because Europeans were in touch with Africa for centuries, the inscrutable middle of the continent was seen as a particular mystery. Even for the Greeks and Romans, the origins of the river Nile were an enigma. Centuries later, Joseph Conrad was still referring at the African continent's mysteries in his famous introduction to *Heart of Darkness*:

Now when I was a little chap I had a passion for maps. I would look for hours at South Africa, or Africa, or Australia and lose myself in all the glories of exploration. At that time, there were many blank spaces on the Earth, and when I saw one particularly inviting on a map (but they all look that) I would put my finger on it and say, When I grow up, I will go there.⁵

⁴ 'La géographie est une de ces sciences qu'il faudra toujours perfectionner. Quelque peine qu'on ait prise, il n'a pas été possible jusqu'à présent d'avoir une description exacte de la terre. Il faudrait que tous les souverains s'entendent et se prêtassent des secours mutuels pour ce grand ouvrage Mais ils se sont presque toujours plus appliqués à ravager le monde qu'à le mesurer. Personne encore n'a pu faire une carte exacte de la haute Egypte, ni des régions baignées par la mer Rouge, ni de la vaste Arabie. Nous ne connaissons de l'Afrique que ses côtes; tout l'intérieur est aussi ignoré qu'il l'était du temps d'*Atlas et d'Hercule'* (Voltaire, *Questions sur l'Encyclopédie par des amateurs*, ed. N. Cronk – C. Mervand, Les Œuvres complètes de Voltaire 42A (VI *Gargantua-Justice*) (Oxford: 2011) 62s.).

⁵ Joseph C., *Heart of Darkness, in Youth, a narrative, and two other stories* (Edinburgh – London, W. Blackwood and Sons Peterborough: 1902) 59.

From Antiquity to the nineteenth century, the center of Africa, the emptiness of the mapped continent, was more than a geographical question, it was a major object of fascination.⁶

'Blank spaces' appeared long before the eighteenth century, but they were not unequivocal. Most of them did not refer to ignorance. Typically, they did not have any specific signification. They could be the simple result of a cheap print. Lines and pictures are costly. This is obvious in small atlases and school maps. 'Blank spaces' could also be the simple expression of a simplification. Specialized maps did not picture unnecessary information according to their aim, especially in manuscript maps, which left free areas for future decoration or just to put a stress on the main information. Likewise, some nautical charts almost exclusively pictured coastal lines. A thematic map would focus only on the treated subject, for instance, religious maps just pictured sacred places.⁷ When a map was made to illustrate a position or an argumentation, it left the rest blank, like in this one, depicting the origin of the river Nile (Fig. 14.1). Finally, when a map was really covered with pictures, it was not a guileful way of hiding ignorance. On the contrary, these pictures were information themselves.⁸

Things considered as being without interest for geography were also left blank. That was usually the case for desert areas. Since Strabo, mapmakers had been thinking geography was only about human places, consequently it was considered as pointless to draw deserts on maps. In the seventeenth century, Father Augustin Lubin still wrote in his *Guide du curieux des cartes géographiques*:

As the geographer is just interested in studying the places' positions, he should not even think of deserts where there are none.⁹

6 Lentz S. – Ormeling F. (eds.), *Die Verräumlichung des Welt-Bildes: Petermanns Geographische Mitteilungen zwischen 'explorativer Geographie' und der 'Vermessenheit' europäischer Raumphantasien* (Stuttgart: 2008); Langbehn V. M. (ed.), *German colonialism, visual culture, and modern memory* (New York – London: 2010); Singaravélou P. (ed.), *L'Empire des géographes. Géographie, exploration et colonisation* (Paris: 2008); Surun I., *Géographies de l'exploration. La carte, le terrain et le texte (Afrique occidentale, 1780–1880)*, Thèse soutenue à l'EHESS (Paris: 2003).

7 Ortelius Abraham, *Geographia sacra* (Antwerp, Ortelius: 1601).

8 See de Dainville F., *La Géographie des humanistes* (Paris: 1940) 341; Jacob Ch., *L'Empire des cartes* 234 ; Besse J.-M., *Les Grandeurs de la Terre, Aspects du savoir géographique à la Renaissance* (Lyon: 2003) 222–246.

9 'Le géographe n'étudiant qu'à trouver la position des places, il ne devroit pas même penser aux déserts, où il n'y en a aucune' (Lubin Augustin, *Mercure géographique, ou le guide du curieux des cartes géographiques* (Paris, Nicolas Langlois: 1678) 219).

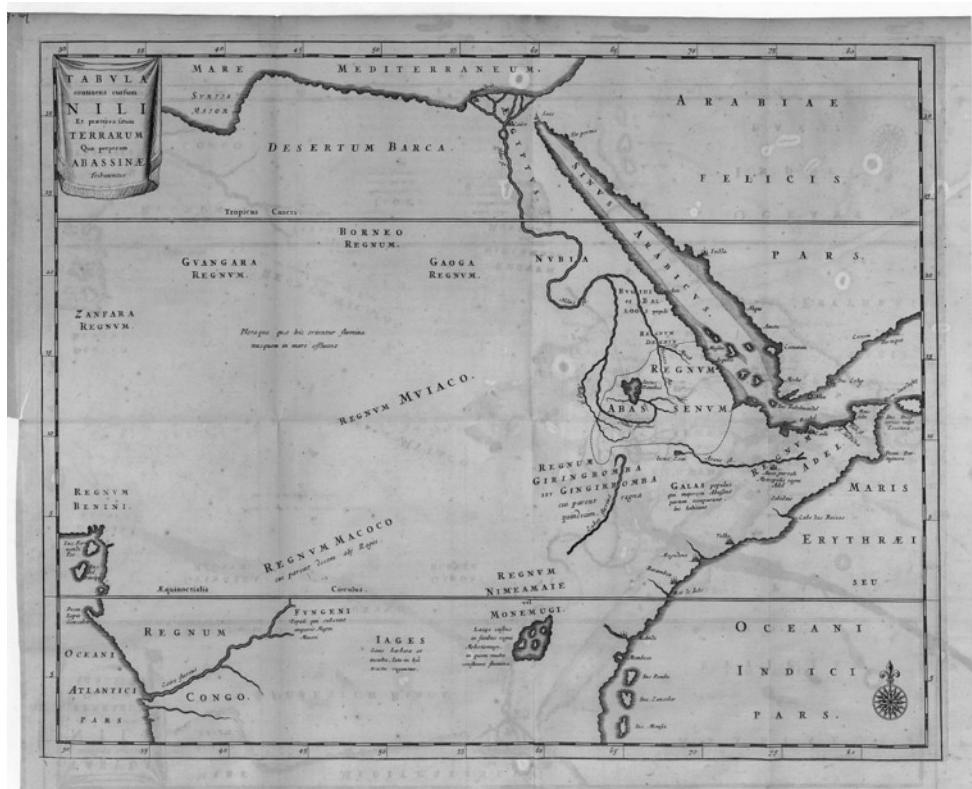


FIGURE 14.1 Isaac Vossius, *Tabula continens cursum Nili* (1666), in Isaac Vossius, *De Nili et aliorum fluviorum origine* (*The Hague, Adrian Ulacq*: 1666).

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Blank spaces were thus not only unknown places, but places of no matter of interest.

However, it also happened, of course, that unknown areas were left blank. That was the other reason why deserts were scarcely represented. They were almost entirely unknown, as demonstrated in numerous travelogues. For instance, Anthoine Morison, a sixteenth century traveler, wrote: 'The sands & the awful deserts of Lybia [...] are so inaccessible, & consequently very little-known'.¹⁰

¹⁰ 'Les sables & les afreux déserts de la Lybie [...] sont si peu pratiquables, & par conséquent si peu connus' (Morison Anthoine, *Voyage en Égypte* (1697), ed. G. Goyon (Toul, Alexandre Laurent: 1704; reprint Cairo: 1976) 156).

Nevertheless, the definition of ignorance in geography was not fully defined. It may sound strange, but at the time there was no clear line between knowledge and ignorance. On the contrary, most of the information drawn on maps was ‘in between’. Knowledge and ignorance were not black and white, but an infinite range of shades: sure, almost sure, probable, unknown…

Basically, a typology of four types of partial knowledge and ignorance can be developed, based on maps made between the fifteenth and the eighteenth centuries. First, what mapmakers knew quite exactly was drawn on maps, like Cairo, Alexandria, or the cities whose geographical coordinates (at least the latitude) were known thanks to expeditions such as that of the hydrographer Jean-Mathieu de Chazelles. As a reminder, in 1694, Chazelles was sent by the Secrétaire d’État à la Marine, Jérôme Phélypeaux de Pontchartrain, to the Middle East in order to measure the position of mediteranean harbours. He went from Alexandria to Cairo.¹¹

Secondly, maps showed half-known places. For instance, Lake Moeris, also known under the names of Lake Fayoum or Lake Qarun was known to exist, but its shape was conjectural. As it was said to be artificial, some mapmakers even drew it perfectly rectangular.¹² Others assumed it was horn-shaped, because they believed that another name for the body of water, Lake Kern, meant ‘horn’ lake.¹³ But the existence of a lake in this place was doubtless.

Thirdly, mapmakers also depicted what they could imagine or deduce. No one knew where Thebes or the sources of the river Nile lay (at least, the sources of the Blue Nile), but thanks to travellers, ancient texts and especially Ptolemy, mapmakers could propose a more or less well-founded hypothesis.¹⁴ However, scholars assumed Thebes was Girgeh or Minieh,¹⁵ and localised the Nile’s origins in the middle of Africa. When assumptions were more fragile, cartographers could use specific graphic devices such as different styles of letters, dotted lines, underlining or other symbols.

¹¹ His report was published in the *Mémoires de l’Académie des sciences* (1702). See also Le Bouyer de Fontenelle Bernard, “Éloge de M. de Chazelles”, in *Histoire de l’Académie royale des sciences* (Paris, Jean Boudot: 1712) 143–151.

¹² Haas Johann Matthias, *Typus aetiologicus I, II* (Nürnberg, Officina Homaniana: 1739); Haas Johann Matthias, *Regni Davidici et Salomonaei descriptio* (Nürnberg, Officina Homaniana: 1739).

¹³ Robert de Vaugondy Didier, *Essai d’une carte pour servir aux dissertations sur le lac de Moeris* (s.l., s.n.: 1756).

¹⁴ Relaño Francesc, *The Shaping of Africa* (Aldershot, Ashgate: 2002).

¹⁵ See for instance Baudrand Michel-Antoine, *Dictionnaire géographique et historique* (Paris, Denys Mariette: 1705) col. 1748.

Finally, mapmakers also depicted the places they had no idea of, except for the fact they existed, when ancient texts or travellers did not locate them properly. They invented ways of mentioning them anyway. They listed unlocalised toponyms on tables superimposed on maps. These tables were a way to not lose knowledge, without localising places randomly.

2 Separating the Known from the Unknown: The Readers' Role

Because the nature of the information contained in maps was so heterogeneous, map readers did not take the content of maps for granted. As Voltaire put it, geography was considered to be the discipline that had a particular need for improvement and average readers were aware of that.

They knew verified positions and probable locations were usually pictured in the same ways. They knew that Alexandria, a harbour with significant traffic from all over the Mediterranean, was precisely located. But they also knew that the Nile river's origins were still a mystery, even if they were drawn on all maps of the region. Every visitor to Rome passing in front of the Fountain of the Four Rivers on the Piazza Navona by Bernini (1651) could admire its allegorical personification. The veil covering the Nile's face represents the mystery of its origins. In other words, the public was on the whole able to decipher and filter a part of the maps' contents.

Of course, if it would be a mistake to think of map connoisseurs as naïve readers, it would be an equal fault to think they could judge the correctness of geographical data in detail. Only professionals could, that is why when more and more maps were published in the eighteenth century, buyer's guides appeared, such as the *Catalogue des meilleures cartes géographiques* (list of the best maps) by Nicolas Lenglet-Dufresnoy, a bookshop success, reprinted several times. We have to remember that when people entered a map shop then, they had to choose between different representations of Egypt of uneven quality, sometimes from the same mapmaker.

No wonder readers were well-versed in the critical reading of maps, when they could buy ten different ways of depicting Egypt. This attitude was also an inheritance from the Renaissance. In the sixteenth century, maps often stressed their own illusion of reality. Here, the scale was drawn on a banner which cast a shadow over the territory as to remind its viewer that the map was just a sheet of paper (Fig. 14.2). There, the possible confusion between the map and the field was shown, denoted by a figure pointing at a map, in a 'mise en abyme' (Fig. 14.4). Very unlikely hypotheses were clearly indicated as such.

FIGURE 14.2 Abraham Ortelius, *Aegyptus antiqua*, 1584.

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CARTES ET PLANS, GE DD-4894.

With a remarkable inventiveness, Classical and Renaissance mapmakers used numerous tricks to mention fragile hypotheses, or unlocated toponyms they rendered unambiguously distinct from the rest of the map. When the position of some places could not be determined at all, these unlocated toponyms could be listed in a table superimposed on the map. This allowed the registration of toponyms with unknown locations on a map without giving them a far too hypothetical location. Sebastian Münster was one of the first to use this process in his map *Aphrica Tabula III* (1545). It was also used later by Ortelius in his *Aegyptus antiqua* (1584) and his *Aegyptus antiqua* (1595), under the title 'incertae positionis loca [places of uncertain position]' (Fig. 14.2 and 14.3).¹⁶

16 About the Ortelian maps of Egypt see Meurer P. H., "Ortelius as the Father of Historical Cartography", in *Abraham Ortelius and the First Atlas* (Utrecht: 1998) 133–159, here 137–140.

FIGURE 14.3 Abraham Ortelius, *Aegyptus antiqua*, 1595.

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When the sources were contradictory, the mapmaker could fail to reconcile them. In such a case, he could choose to draw all the options on one sheet divided into parts, like the Jesuit polymath Athanasius Kircher did for the origin of the river Nile in his maps of 1652 made for the *Chorographia of Egypt*, in the first part of his *Oedipus aegyptiacus*¹⁷ or in a box superimposed on the map, like in the map of the traveller Richard Pococke, showing the Nile delta according to diverse ancient sources.¹⁸ It testified thus to the contradictions of the antique sources, as well as to the geological evolution of the delta.

If mapmakers used so many tricks to emphasize their hypotheses on maps, it was not only to warn their readers but also to beg indulgence. It was very

¹⁷ Cf. also Norwich O., *Maps of Africa* (Norwich Vt: 1997) no. 156.

¹⁸ Pococke Richard, *Hanc Tabulam Aegypti, ipsius oculis fidelibus nuper subjectae itineribus illustratae, tam ad veteris quam hodiernae chorographiae normam qualicunque suâ curâ accommodatam D. D. Richardus Pococke* (London, Philip Overton: 1743).



FIGURE 14.4 *Pieter van der Aa, Carte de la mer Rouge, 1729, in Idem, La Galerie agréable du monde [...] divisée en LXVI tomes. [...] Tome second d'Arabie, Terre Sainte, Natolie & Assyrie (Leiden, Pieter van der Aa: 1729), pl. 12ii.*

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hard to produce a complete new way of mapping a place. Traditional depictions of many locations were considered almost as canonical.¹⁹ As explained Christian Jacob in his book *L'Empire des cartes*, imitating previous maps was also a way of establishing credibility. That is one of the reasons why the way of drawing a country's outlines was usually very consistent over time.

For instance, at the beginning of the eighteenth century, maps of Egypt still looked very similar to those of Ortelius (sixteenth century). The public was so used to this that a new way of drawing a country would have needed a sign or specification in order not to disappoint the reader.²⁰ A lake could be drawn with a dotted line²¹ or ostentatiously unfinished.²² Ignorance could also be simply admitted. Instead of a toponym, one may write 'unknown country' with the same typographical characters.²³ Conversely, nineteenth-century mapmakers did not always use blank spaces to point out their ignorance or their doubts. They could, for example, mention assumptions by adding a question mark after a toponym.²⁴

Logically, when a mapmaker had to remove a famous place because its localisation was too uncertain and because it had previously always been pictured on maps before, he had to provide an explanation. To efface a place, a river, or a mountain was not an insignificant operation. It was apparently perceived as replacing knowledge by ignorance. We have to remember that mapping was not only a science, it was also a trade. To admit ignorance was risky. It could make for bad publicity. Condorcet, in his *Éloge*, pointed to this danger:

We are still often forced to leave large spaces blank, & it takes courage to do that. One must be assured that those blanks will be attributed to the imperfection of the geography rather than to the ignorance of the geographer.²⁵

¹⁹ Jacob, *L'Empire des cartes* 37.

²⁰ Jacob, *L'Empire des cartes* 31.

²¹ Luillier Jan, *Afrique* (Paris, Guillaume Danet: 1732).

²² Lopez Thomas, *Mapa de África* (Madrid, s.n.: 1771).

²³ 'Païs inconnu', Gibson John, *Première carte d'Afrique* ([s.l.], [s.n.]: 1754).

²⁴ Leake William Martin, *Map of Egypt* (London, Aaron Arrowsmith: 1818); Jomard Edme-François, *Carte ancienne et comparée de l'Égypte* ([s.l.], [s.n.]: 1829).

²⁵ 'On est encore souvent exposé à laisser vide de grands espaces, & il faut du courage pour s'y résoudre, il faut être bien sûr qu'on les attribuera plutôt à l'imperfection de la géographie qu'à l'ignorance du géographe' (Condorcet, Marie Jean Antoine Nicolas de Caritat de, "Éloge de d'Anville", in *Histoire de l'Académie royale des sciences, Année M DCC LXXXII* (Paris, Imprimerie royale: 1785) 70).

Above all, new blank spaces gave a strange new appearance to a territory, especially when the geographical objects removed were emblematic of a country. That is why some mapmakers even hesitated to make necessary modifications, in order to not bewilder the public. This pusillanimity had been pointed out by scholars. Charles-François Delamarche wrote this about Guillaume Delisle in his *Les Usages de la sphère*:

He would perhaps have done a better job, if he had not deemed it appropriate to respect the established prejudices up to a certain point, & if he had used, with all rigorousness, his right [sc. to delete or correct uncertain items from maps] given by these discoveries themselves.²⁶

However others made the modifications they thought necessary. At the end of the seventeenth century, the rediscovery of the origins of the White Nile raised questions about the existence of another location in the centre of Africa. Mapmakers began to discard the conventional Mountains of the Moon, where the Nile was said to start according to Ptolemy. But the deletion of the origin of the Nile River deeply modified the continent's appearance, like in this map of Africa by Vincenzo Coronelli (Fig. 14.5).

This removal broke a general agreement. This is the reason why, for a transitional period, blank spaces could not directly replace previous hypotheses. Instead, the empty space was filled with an explanation, which was necessary considering that the origins of the Blue Nile had been represented on maps for centuries. The explanation could not wait to be published in a separate

Warning: several ancient authors have written about the Nile's flood, but the origins of the river remain unknown to them. Sesostris king of Egypt, Cambyses king of Persia, Alexander the Great, Ptolemy Philadelphus king of Egypt and the Roman Emperor Nero have tried in vain to discover them. Ptolemy, the greatest ancient geographer, believed that the river Nile had its source in the Mountains of the Moon, his opinion was followed by those who wrote after him. But at the beginning of this century, the Jesuit fathers Alphonse Mendes, who was Patriarch of Ethiopia, Emanuel d'Almeyda, Pierre Pays, and Jerome Lobo, finally found the origins one had been looking for so many centuries. Father Balthazar Tellez

26 ‘Peut-être auroit-il mieux fait encore, s'il n'avoit pas jugé à propos de respecter, jusqu'à un certain point, les préjugés établis, & s'il avoit usé, à toute rigueur, du droit que lui donnaient ces mêmes découvertes.’ (Delamarche Charles-François, *Les Usages de la sphère* (Paris, widow Valade: 1791) 287–288).

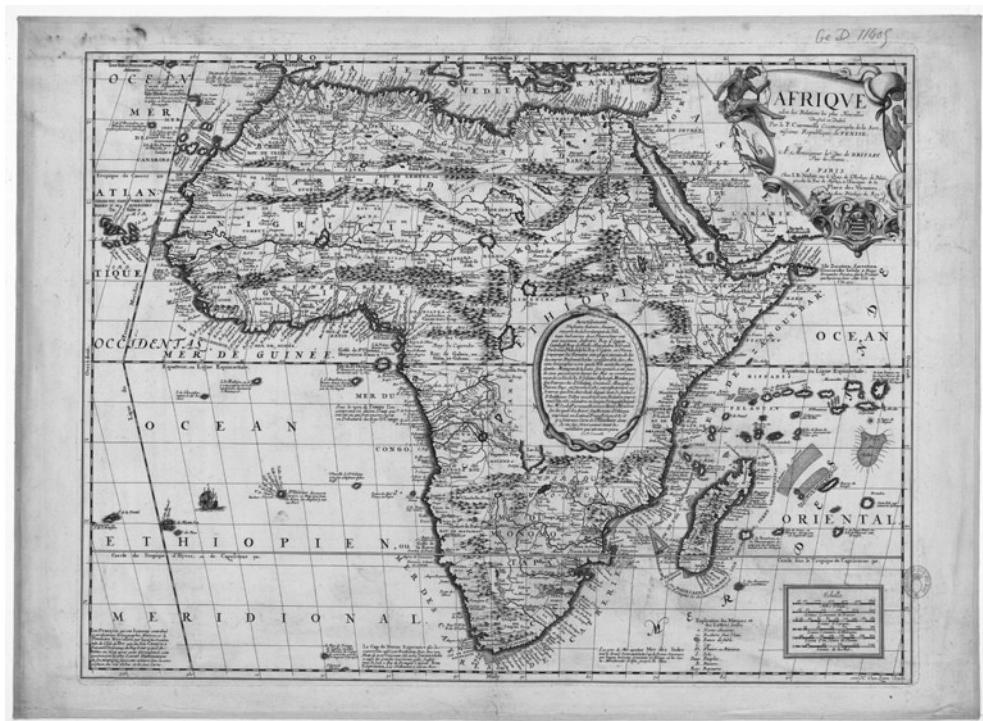


FIGURE 14.5 Vincenzo Coronelli, Afrique selon les relations les plus nouvelles, 1689.
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CARTES ET PLANS, GE D-11405.

has written a travel account about this, published in 1660 in Coimbra in the Portuguese language; since then, M. Ludolf has gathered further essays based on which he has composed his History of Ethiopia, printed in Latin in Frankfurt in 1681. A map of Abyssinia is attached to that, of which I have made use as being the best ever published. Father Coronelli.²⁷

²⁷ 'Avertissement: Plusieurs auteurs anciens ont écrit du débordement du Nil, mais les sources de ce fleuve leur ont été inconnues. Sesostris roy d'Egipte, Cambyse roy de Perse, Alexandre le Grand, Ptolomée Philadelphe roy d'Egipte et Neron, empereur des Romains ont essayé en vain de les découvrir. Ptolomée, le plus considérable des Ansciens (*sic*) géographes a cru que le Nil avoit son origine dans les Montagnes de la Lune, son opinion a été suivie de ceux qui ont écrit depuis lui. Mais au commencement de ce siècle les P. Jesuites Alphonse Mendez, qui fut patriarche d'Ethiopie, Emanuel Almeyda, Pierre Pays, et Jerome Lobo, ont enfin trouvé ces sources que l'on cherchoit depuis tant de siècles. Le P. Balthazar Tellez en a dressé une relation imprimée l'an 1660 à Coimbre en langue portugaise; depuis lui M. Ludolf a recueilli encore divers mémoires sur lesquels

The long text on the map was not just hiding a lacuna. Coronelli attested there his choices by giving sources and his line of argument. Besides, the ‘cartouche’ pointed out the removal of knowledge rather than acting to hide it. Subsequently, Nicolas de Fer, who took over Coronelli’s work, replaced the lake of center Africa with the following text: ‘we preferred to leave this space blank rather than to fill it with unknown or imaginary particularities. These states are completely ignored by the Europeans’.²⁸ It is difficult for a mapmaker to admit his ignorance more explicitly.

Later, readers became used to this new way of mapping Africa. Only then could ignorance be mapped by a blank space (Fig. 14.6).

3 Did d’Anville Erase Ignorance from Maps?

As we have seen above, ignorance was specified on maps long before d’Anville and the eighteenth century. What scholars or mariners were not able to localize could still be mapped in various ways, especially with blank spaces. So then, why was Jean-Baptiste d’Anville thought of as the inventor of ‘blank spaces’, and why was he considered one of the first positive mapmakers, if ignorance had been mapped earlier?

We could assume he adopted a more radical approach, removing not only the unknown from maps but also the uncertain. However, he could not drastically remove assumptions from maps. As a matter of fact, d’Anville was an armchair mapmaker, who never even left Paris, except to go to Versailles or Alençon. He worked in his study, combining classical texts, maps, travel accounts and all available sources of information. It would be a misunderstanding of the nature of d’Anville’s work to believe he could fully remove uncertainty from maps. The armchair mapmaker’s craft was an art of deduction. Mapmaking as practised by d’Anville was not an exact science, which he was the first to admit. Land surveyors put exact information on maps (relatively to the given standard of

il a dressé son Histoire d’Ethiopie, imprimée en latin à Francfort en 1681, il y a joint une carte de l’Abissinie dont je me suis servi comme étant la meilleure qui ait encore paru Le P. Coronelli.’ (Coronelli Vincenzo, *Afrique selon les relations les plus nouvelles* (Paris, Jean-Baptiste Nolin: 1689)).

²⁸ ‘On a mieux aimé laisser cette place vuide [sic] que de la remplir de particularitez inconnues, ou imaginaires ces Etats estant tout à fait ignorés des Européens.’ (Fer Nicolas de, *L’Afrique où tous les points principaux sont placez les observations de l’Académie royale des sciences* (Paris, Nicolas de Fer: 1698)).



FIGURE 14.6 Guillaume Sanson, *L'Afrique divisée en ses principales parties &c*, 1704.

© PARIS, BIBLIOTHÈQUE NATIONALE DE FRANCE, DÉPARTEMENT DES CARTES ET PLANS, GE DD-2987 (7770 RECTO).

instrumental measurement of the period), but an armchair mapmaker also had to draw what he thought was almost certainly true or at least very likely so.

However, as d'Anville explained, and as we saw through Voltaire's complaint, just a small part of the world was covered by precise surveys. That is why compilators' work was necessary, even if they could not claim that they were practicing positive mapping. As d'Anville wrote:

Geographical fieldwork [...] is done by purely geometrical or surveying procedures. [...] But given the universality of the object that geography encompasses, how narrow are the limits of what one can expect of that positivist geography? [...] If the idea of geography providing just the mere representation of a locality is only wishful thinking, is it not correct

to seek what might be suitable for supporting the achievement of that goal up to a certain point of perfection?²⁹

It is true d'Anville did not only map what he knew for certain, but also that he expunged the most unlikely assumptions. However, he never clearly defined the distinctions he made between solid and weaker assumptions in any of his essays.³⁰ The same point of ambiguity can be noted in Condorcet's *Éloge de M. d'Anville*:

It is impossible to mark on a map the degree of probability that we believe to be assigned to the position of every point: it is therefore important for Geography to only place the objects whose existence is almost certain, whose position is known with a strong exactitude.³¹

Again, the vocabulary is unprecise ('almost certain') and qualifies the degree of exactitude rather than its quality.

D'Anville was far from mapping only the places of which he knew their astronomic positions. For instance, unlike his predecessors, he decided to draw anew the sources of the Blue Nile in the centre of Africa. He put them again on maps because he thought the assumption was credible, and not because a traveller had discovered them since. He considered Ptolemy's *Geography* to be reliable enough to use for localising the source. D'Anville was perhaps stricter in some way than his predecessors in making out probable locations and fragile assumptions. That, however, is all he can be credited for.

One of his real innovations was the writing of precise essays, called *Mémoires*, in which he explained how he created his maps and why he selected one assumption rather than another. He regularly gave the public the opportunity

29 'Les travaux géographiques [...] se font, sur le terrain même, par des procédés purement géométriques ou d'arpentage. [...] Mais dans l'universalité de l'objet qu'embrasse la géographie, combien sont étroites les limites de ce qu'on peut attendre de cette géographie positive? [...] Si le désir de n'avoir de géographie qu'autant qu'elle seroit en quelque manière l'empreinte du local, ne peut être qu'une chimère, n'est-il pas convenable de chercher à se procurer ce qui peut y suppléer jusqu'à un certain point de perfection?' (D'Anville Jean-Baptiste, *Considérations générales* (Paris, Imprimerie de Lambert: 1777) 3).

30 See for instance d'Anville Jean-Baptiste, *Mémoires sur l'Égypte ancienne et moderne* (Paris, Imprimerie royale: 1765).

31 'Il est impossible de marquer sur une carte le degré de probabilité qu'on croit pouvoir assigner à la position de chaque point: il est donc important, pour la géographie, de n'y placer que les objets dont l'existence est à peu-près certaine, dont on connaît la position avec une forte d'exactitude.' (Condorcet, "Éloge de d'Anville" 70).

to make up its own mind about his work by reading his line of argument. Of course, these austere works were mainly read by map specialists. Nevertheless, they contributed to the reputation of the mapmaker. They portrayed d'Anville as a scholar rather than a simple mapseller thoughtlessly copying previous maps. D'Anville's name was thereby transformed into a real brand, more reliable than most of his competitors. The process worked so well that he had to complain about the misuse of his name by publishers.³²

The aesthetic quality of his maps also played a key role in his reputation of 'exact mapmaker'. Their elegance and legibility were widely praised. As Vivien de Saint-Martin, member of the *Société de géographie* in Paris, wrote later, in 1855, 'the detail never leads to confusion; clarity is never altered, neither the harmony of the whole'.³³ Aesthetically speaking, the known and the unknown seemed clearly delineated, so that even before the most superficial critical examination, everything seemed explicit and simple. Knowledge was identified by black spaces/filled spaces (the written words and outlines) and the unknown by blank spaces. However, as we know, d'Anville's maps were based on a great many assumptions, and there were lots of grey zones in his maps, between black knowledge and white ignorance.

In some ways, blank spaces commonly used by d'Anville turned out to be a very powerful rhetorical tool for creating the illusion of a positive and exact map, even though d'Anville himself admitted the imperfect nature of his compilation works. It was likely a very good selling point, since it gave d'Anville's map the appearance of reliability. Still, if blank spaces already existed before the eighteenth century and d'Anville's work could have been praised in many other ways, we have to ask ourselves why the 'invention of the blank' by d'Anville was promoted by his later admirers and why they made this claim.

4 What if the 'Invention' of the Blank Space was a Way of Promoting Mapmaking as a Positive Science?

First of all, we need to know who was the first to portray d'Anville as the inventor of map blank spaces. If d'Anville's himself understood well it was a powerful way of self-promotion, the idea was mainly spread by his academic eulogies. As a member of the *Académie royale des inscriptions et belles-lettres* and of

³² D'Anville, *Considérations générales* 110.

³³ 'Jamais le détail n'engendre la confusion; jamais la clarté n'en est altérée, non plus que l'harmonie de l'ensemble' (Saint-Martin Louis-Vivien de, *De l'État de la cartographie en Europe* (Paris, Martinet: 1855) 16).

the *Académie royale des sciences*, the mapmaker had his biography published twice in the Academies' volumes. The one written by Bon-Joseph Dacier in the *Académie royale des inscriptions et belles-lettres* said:

Regarding those [the places] whose existence or the localisation was absolutely questionable, he deferred dealing with them, until he felt authorised to do so by new observations [...]. That is why, on several of his maps, especially those of Africa, these wide areas remaining blank bore testimony at the same time of his strict accuracy as well as of the limits of positive knowledge in geography.³⁴

Blank spaces were considered as typical enough of d'Anville's work to also appear in the eulogy published by the *Académie royale des sciences*. Condorcet, who was then *Secrétaire perpétuel* of this academy, and therefore in charge of the posthumous biography drafting, wrote:

One noticed disappearing a host of rivers, of kingdoms, of islands that he banished into the land of chimeras: wide blank areas indicated what was still to be known, but they were the proof of the exactitude of everything which had been filled up.³⁵

These academic biographies played a key role in the construction of a scholar character. Biographical dictionnaries collected most of their information from these eulogies, when they had to summarize scholars' lives.³⁶ It reveals an evolution of the representation of d'Anville's character.

34 ‘Quant à ceux [les lieux] dont l'existence ou la situation étoit entièrement douteuse, il différoit de s'en emparer, jusqu'à ce qu'il y fût autorisé par de nouvelles observations [...]. De là, dans plusieurs de ses cartes, surtout dans celles d'Afrique, ces grands espaces restés vides, attestent en même temps et son exactitude rigoureuse, et les bornes des connaissances positives en géographie’ (Dacier Bon-Joseph, “Éloge de M. d'Anville”, in *Notice des ouvrages de M. d'Anville* (Paris, Jean-Jacques Fuchs – Louis-Charles-Joseph Demanne: 1802) 31–32).

35 ‘On y vit disparaître une foule de fleuves, de royaumes, d'îles qu'il reléguoit dans le pays des chimères: de vastes espaces en blanc marquaient ce qui restoit à connoître, mais ils étoient une preuve de l'exactitude de tout ce qui étoit rempli’ (Condorcet, “Éloge de d'Anville” 71).

36 Haguet L., “Splendeur et décadence d'un ‘grand homme’: réception et postérité de d'Anville et son œuvre”, in Hofmann C. – Haguet L., *Jean-Baptiste d'Anville, un cabinet savant à l'époque des Lumières* (Oxford, Oxford University Press: forthcoming).

In the first part of the nineteenth century, biographers primarily praised the accuracy of d'Anville's work. It was described as a kind of feat considering that d'Anville never visited the countries he often described sometimes better than travellers themselves. But the mapmaker's use of blank spaces or his removal of uncertain knowledge was mostly emphasized during the second part of the nineteenth century, borrowing from the eulogy by Dacier:

But what is characteristic of d'Anville's works is their complete sincerity. From there, in several of d'Anville's maps, especially the one of Africa, these wide areas remaining blank, testifying at the same time of his strictness and the limits of the positive knowledge at that time.³⁷

If biographers mainly put forward the almost magical aspect of his results in the first decades of the nineteenth century, why were the blanks and the removal of knowledge in d'Anville's maps then suddenly promoted?

For his successors, it was a key argument, a way to uphold geography as a positive science. Unlike mathematics, physics and history, geography had great difficulties existing as a scholarly field in nineteenth century France. There were almost no university positions. When geography was mentioned, it was often an auxiliary science of history,³⁸ such as the chair for history and geography at the Sorbonne (1809). After Paris, the first chair for geography was created at Caen in 1870. Ten years after Caen, only Lyon, Bordeaux and Dijon started funding chairs for geography.³⁹

The *Institut* did not balance the lack of positions in geography at the universities. On the contrary, the fragility of its stance increased with the nineteenth century, with the transformation of the royal academies into the *Institut*. At first, geography was joined to the political and moral sciences. When classes of political and moral sciences were suppressed, geography was transferred to the class of mathematics, but for only half of the department's members. The others, who followed a more erudite than mathematical approach, were

³⁷ Mais ce qui constitue la caractéristique des travaux de d'Anville, c'est leur absolue sincérité. De là, dans plusieurs cartes de d'Anville, surtout dans celle d'Afrique, ces grands espaces restés vides, qui attestent en même temps et son exactitude rigoureuse et les bornes des connaissances positives en géographie à cette époque.' (Dreyfus C. et al., *La Grande encyclopédie inventaire raisonné des sciences, des lettres et des arts*, vol. 3 (Paris: 1887) 272, col. 1).

³⁸ Haguet L., "Comme des sœurs qui s'y tiennent par la main", *Écrire l'histoire* 3 (2009) 125–132.

³⁹ Claval P., *Histoire de la géographie française de 1870 à nos jours* (Paris: 1999).

relocated in the section of literature and history, so that the scholarly geography (la géographie érudite) became invisible and disappeared from the official texts.⁴⁰ Moreover, geography became increasingly criticized by its lack of theoretical ambition, as demonstrated by the historian Anne Godlewska, when she mentions the criticisms expressed toward Edme Mentelle, erudite geographer and professor at the École normale around 1794.⁴¹ Worse, after the Revolution, despite the occasional reappearance of the monarchy, there was no more curial patronage. Yet patronage was formerly the major source of income for a mapmaker. For instance, Jean-Baptiste d'Anville could not have published maps of such a high standard without the support of the Dukes of Orléans, even though he was a member of several academies, which paid him a pension.

In the nineteenth century, mapmakers had few opportunities to exist as scholars and to receive grants for their research work. Even worse, geography was depreciated in the eyes of the public opinion. Geography was considered a children's game. The Danish-French geographer Conrad Malte-Brun, known as the founder of the publication *Les Annales des voyages*, encouraging geographical observations, complained about the bad reputation of geography in France:

What can we do, on the contrary, with those people who only appreciate in every science the scholastic part, who only find the elementary text books admirable, and who, measuring everything with their yardstick, imagine geography to be nothing else than a field of study for children, because in fact they do not know more of geography than what they learned in their classrooms.⁴²

In order to promote their field, mapmakers strove to portray geography as a positive science. As d'Anville was chosen as a representative figure to promote mapmaking, it was necessary to enhance his scientific side.

40 Blais H., 'La géographie académique entre sciences et belles-lettres (autour de la scission de 1803)', in Blais H. – Laboulais I. (eds.), *Géographies plurielles. Les sciences géographiques au moment de l'émergence des sciences humaines (1750–1850)* (Paris: 2006) 95–112.

41 Godlewska A., *Geography unbound: French geographic science from Cassini to Humboldt* (Chicago: 1999) 58–86.

42 'Que faire, au contraire, avec ces gens qui ne voient dans toutes les sciences que la partie scolaire, qui ne trouvent d'admirable que les abrégés élémentaires, et qui, mesurant tout à leur toise, s'imaginent que la géographie n'est qu'une étude d'enfant, parce qu'en effet eux-mêmes ils ne savent pas plus de géographie qu'ils n'en ont appris dans leurs classes.' (Malte-Brun Conrad, "Sur M. d'Anville et sur l'édition des œuvres complètes", *Annales des voyages* (Paris, François Buisson: 1809) 361).

But supporting geography thanks to d'Anville's character meant that he had to be esteemed enough to influence the public and the state. It was not enough to produce him as an exemplary scholar. Ideally, he had to be perceived as a patriotic hero, 'a great man'. If one of the French great men was a mapmaker, it meant that geography was a field of major importance. It meant that there was a strategic direction for fundraising. At any rate, Vivien de Saint Martin used this tactic. As *Secrétaire général* of the *Société de géographie* in the middle of the nineteenth century, Vivien de Saint-Martin was of course concerned about the society's future. He noted the progress in geography made in England and German and was fully aware of the underlying root causes: there, mapmakers were fully supported by institutions, societies and universities.

In order to convince scholars and the political class that geography deserved to be recognized and supported, Vivien de Saint Martin chose to appeal to his reader's sense of patriotism. He introduced the idea that a country's glory was not only determined by its wealth or its industry, but also by its great scholars. Then, he stroke the decisive blow:

Now, Messieurs, facing this almost discouraging and unfortunately all too true portrait, a question immediately rises; one wonders by what causes England and North Germany [...] have walked the paths of the scientific geography in the opposite direction.⁴³

Thanks to positive actions, England and Germany produced great mapmakers when France entered into a period of decay. In other words, Vivien de Saint Martin tried to shame the government into encouraging policies in favor of geography. In order to be truly effective, Vivien de Saint Martin had to put up a great man of the past, which would emphasize how geography in France had declined from its old glory.

Like Malte-Brun, Vivien de Saint Martin chose d'Anville. But how was a great man chosen? How was d'Anville changed into a great man? His very long career (almost seventy years, his plentiful work (around 200 maps), the quality of his cartography, and the systematic legitimization of his maps through detailed essays, all could form the beginning of an answer. Unfortunatly, merit is always not enough to achieve posterity, especially for a geographer. Geographers and

43 'Maintenant, Messieurs, vis-à vis de ce tableau presque décourageant et malheureusement trop vrai, une question se présente naturellement; on se demande par quelles causes l'Angleterre et l'Allemagne du nord [...] ont marché en sens inverse dans les voies de la cartographie scientifique.' (De Saint-Martin Louis-Vivien, *De l'État de la cartographie en Europe* (Paris: 1855) 259).

mapmakers were rarely chosen as 'great men', at least in France. There were no geographers at the *Panthéon*, the French secular mausoleum containing the remains of distinguished French citizens, but statesmen, scientists, writers, and explorers.⁴⁴ Few biographies of mapmakers were published. In fact, by searching in the *Catalogue de l'Histoire de France du département des imprimés de la Bibliothèque*, which listed the books kept at the national library during the nineteenth century, you can find biographies about French soldiers and statesmen (Jeanne d'Arc, Colbert), about French literary men and women (Fénelon, Madame de Sévigné, Racine), about French naturalists and doctors (Buffon, Pasteur), even about explorers such as La Pérouse, but none about mapmakers.⁴⁵ Juvenile literature leads us to the same conclusions. The *Tour de la France par deux enfants*, which nurtured the imagination of pupils from 1877 to the beginning of the twentieth century, mentioned soldiers, philosophers, statesmen, writers, scientists (Buffon, Jussieu, Lavoisier, Monge, Niepce, Pasteur), explorers (La Pérouse again), but still no mapmakers.

If d'Anville was chosen as a great man, it was probably for several reasons: he was an object of general approbation in the context of political instability, he was the embodiment of the positive scholar only concerned with his work, and, finally, he was probably easy to promote, as we will see.

Most of 'great men' are associated with a single motto (like the 'cogito ergo sum' of Descartes) or to a main concept like Voltaire and tolerance. D'Anville became the famous mapmaker who was open about his ignorance. It was then his trademark. This could be a good explanation of why the 'new' concept of blank spaces was put forward this way. It is a known fact that an efficient brand should be immediately recognizable thanks to a strong, simple and clear idea. In many ways, a 'great man' was a brand, the brand of the country he represented. In d'Anville's case, blank spaces on maps could have been this simple and powerful idea. Presenting him as the inventor of the 'blank spaces in maps' made it easier to publicize d'Anville. It gave him a clearly defined 'scholar identity'.

Finally, the question of the 'blank' reveals that the nature of the information contained on maps may not have been explained sufficiently by historians

44 Bonnet J.-Cl., "Le Culte des grands hommes", *Modern language notes* 116, 4 (2001) 689–704; Bonnet J.-Cl., "Les morts illustres. Raison funèbre, éloge académique, nécrologie", in Nora P., *Les Lieux de mémoire*, vol. 2: *La Nation* (Paris: 1986) 217–23; Bonnet J.-Cl., *Naissance du Panthéon, essai sur le culte des grands hommes* (Paris: 1998).

45 *Catalogue de l'Histoire de France du département des imprimés de la Bibliothèque* (Paris: 1865).

of mapmaking. Specified ignorance on maps had several degrees, between absolute certainty and risky assumptions. But, above all, ignorance did not only have a scientific value, it was also a rhetorical tool to champion a field. Consequently, the conclusions we come to lead to an apparent paradox: ignorance was not only a good selling argument (as a guarantee of the mapmaker's integrity), it was the best way to promote geography and mapmaking as an academic discipline and as a national concern. Indeed, it was probably the best way of promoting mapmaking at a time when geography was struggling to exist as a discipline itself, standing alone in France.

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Surun I., "Le blanc de la carte, matrice de nouvelles représentations des espaces africains", in Laboulais-Lesage I. (ed.), *Combler les blancs de la carte, modalités et enjeux de la construction des savoirs géographiques (XVII^e–XX^e siècle)* (Strasbourg: 2004) 117–144.

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PART 5

Theory

• •

Semantics of the Void: Empty Spaces in Eighteenth-Century German Historiography. A First Sketch of a Semiotic Theory

Lucian Hölscher

Something and something and something in between. Two things are given, but the third is not. It is the semantic void in between. All culturally relevant relations: neighbourhood, distance, sequence, difference and many others, are based in this constellation, which is the source, the beginning of all meanings. In moving from one point to the other, in observing two different objects, and in narrating a story, we relate things to one another which change their character by bringing them into relation. The void in between is the semantic space where this excess meaning of the relation between things is produced and located. It is defined by the constellation, but empty of given objects, thus leaving the void open for many specifications.

Locating the relational meaning of complex systems in the void between its elements doesn't mean only taking neighbouring elements into consideration. The void is not an infinite small space between cultural elements, as Georg Simmel suggested in his essay on historical time.¹ He argued that complex historical events such as military campaigns could be analysed through reducing their elements only to a certain extent. When the historian considers the smallest units of a complex event such as a single duel, i.e. the raising of weapons etc., such actions do not add any more to the explanation of the battle. But the void between the elements of a complex event, which Simmel supposed to be small, in fact may be very large in terms of temporal length and spatial distance, for example bridging the distance between Alexander the Great and Napoleon by contrasting the era of Hellenism to the era of the French Revolution, and may constitute a complex relation nevertheless.

To go a step even further: In cultural systems such as the historiography of the age of historicism, the semantic void is the essential core of their inner construction; this is why we have to care for its exploration. By defining the void, we come to understand better how cultural systems work, what is included

¹ Simmel G., "Das Problem der historischen Zeit", in Idem, *Das Individuum und die Freiheit. Essays* (Berlin: 1957) 48–60.

and what they are about. In the following essay I am going to analyse the transformation of two designs of history in eighteenth century historiography that define the position of the void in very different ways. The first is the system of history established by the so-called Göttingen school of 'enlightened' historiography in the 1750s to 1770s, most prominently by Johann Christoph Gatterer (1727–1799) and August Ludwig Schlözer (1735–1809). The second is the 'historicism' system established by the poet and historian at Jena, Friedrich Schiller (1759–1805), in 1790. Demonstrating the different position of the void in these systems of history means exploring how these systems 'worked', i.e. what kind of rationality they used and what they aimed for.

1 The Transformation of Empty Spaces in Eighteenth Century Historiography

1.1 *The Göttingen School of Gatterer and Schlözer*

To transform history from an 'aggregate' of many disparate histories into a 'system' of historical knowledge was a well-known ambition of enlightened historiography, not only in my first example, the German historical school of Göttingen in the 1760s and 1770s. As Gatterer and Schlözer proclaimed again and again, only by defining the basic dimensions of the historical universe in space and time could history adopt the systematic form of modern science. Only by placing each historical event in its proper place in space and time would one find out what kind of connection existed between them.

The evidence for this hypothesis could be taken from contemporary geography.² By establishing a network of intersecting lines (longitude and latitude) around the globe in the early eighteenth century, the geographic description of the world had become a successful tool for building detailed maps of all the countries of the world.³ Beside gathering information about the shape of, and distances between, geographic formations such as mountains, rivers and coasts, the system of longitude and latitude also helped to demarcate the 'blank spots' of the globe, i.e. what parts of the world were unknown so far, an effective approach to open up these regions for further geographic research. To

² As an introduction to the scientific approach of the Göttingen school cf. Gierl M., *Geschichte als präzisierte Wissenschaft. Johann Christoph Gatterer und die Historiographie des 18. Jahrhunderts im ganzen Umfang* (Stuttgart: 2012).

³ To be more precise, the technique as such was much older, but only now could it be used for defining the exact position of every place on the globe. Cf. Denny M., *The Science of Navigation: From Dead Reckoning to GPS* (Baltimore: 2012).

put it in the conceptual framework of this volume: Unspecified *nescience* was transformed into specified *non-knowledge*.

The construction of specified *non-knowledge* areas played a major part in eighteenth century historiography. A famous example of the demarcation and definition of blank spots may be taken from the map of Africa, published by Jean Baptiste Bourguignon d'Anville in 1749.⁴ D'Anville created empty spaces by incorporating, for instance, only such parts of the river Niger in central Africa which were definitely known. Regions not explored were left as 'blank spots'. On the superficial level of pictorial representation, the new technique rendered a depiction of the river cut into pieces because many parts were still unexplored. The river even did not have a mouth where the water flowed into the ocean. This method of representing reality did not mean that the river suddenly disappeared into the landscape, but that the position of its mouth was still unknown. This may have seemed to be a weak point in the representation of the river. But this apparent weakness turned into a strength when taken as demonstrating the contemporary status of knowledge. In our example of the river Niger, one could determine exactly from the map what was reliable geographical knowledge und where knowledge was still missing.

I did not find any allusions to the construction of white spots in the work of Gatterer. Taking geography as a fundamental branch of history, however, it is striking how the episteme he used for the construction of historical space is similar to that of geographical space in contemporary geography. It is as if he had transferred the synchronic representation of geographic knowledge to the diachronic representation of history, taking the calendar as the diachronic time parameter of the world. In so doing, he was able to construct empty times in history in analogy to the blank spots in geography. August Wilhelm Schröter, Gatterer's colleague in Göttingen, drew the consequences of this methodological innovation. What he wrote about the 'voids' in history is still worth being cited in extenso:

Where nothing has happened world history does not signal anything; or rather, it follows its destination in demarcating the borders of what is known and unknown, in realising exactly the epochs while surveying the space of time; how step by step one people and one country after the other ascends from the night of oblivion; how by accident it sinks down and in the passage of time reappears again, when its history begins to become domestic, complete and reliable. The voids that in doing so arise

⁴ For a very good reproduction online cf. <http://hdl.library.northwestern.edu/2166.DL/inu-afrmap-4004510-recto-ah>.

in the connection of events necessarily, world history does not fill itself with hypotheses and visions, but only indicates them. What is totally uncertain is not even worth being registered, and even less what is obviously fabulous.⁵

It is worth considering how Gatterer and Schlözer worked with the hypothesis of historical voids. As geographers were exploring ways of communication, i.e. how goods and persons traveled from one point to another, so too the Göttingen historians were demonstrating how historical events had come into being by looking for the constellation of events that had produced them. The change of things over time served as an instrument for opening the way to understanding what historical phenomena had existed. The underlying hypothesis was that exploring each detail of history would explain how historical events stuck together in the net of universal history.

But instead of inventing fabulous visions and uncertain occurrences, as was the praxis of previous historiography, Schlözer only asked historians to compile the facts that they had proved to have existed, and bring them into a plausible correlation with one another:

The combination is the work of the historian. If there is a unity in the design of the combination, universal history attains a scientific shape.⁶

In calling the facts passed down to the present time ‘fragments’ (*Fragmente*), Schlözer compared the work of the historian with the creation of a mosaic from a wide variety of ‘little coloured stones’ (*farbige Steinchen*). The effect of this method was that history was no longer the product of uncertain hypotheses and visions, but a reconstruction of the past as a space of time on basis of an

5 ‘Wo nichts ist, da meldet die Weltgeschichte nichts: oder vielmehr, sie erfüllt lehrreich ihre Bestimmung, wenn sie die Grenzen des Bekannten und Unbekannten richtig angibt, wenn sie bei der allgemeinen Überschauung des Zeitraums die Epochen genau bemerkt, wie allmählich ein Volk und ein Land nach dem andern aus der Nacht der Vergessenheit steigt, wie es durch Zufälle wieder darein zurück sinkt, und im Wechsel der Zeiten wieder zum Vorschein kommt, wenn seine Geschichte anfängt, einheimisch, vollständig und zuverlässig zu werden. Die Lücken, die dadurch notwendig im Zusammenhang der Begebenheiten entstehen, füllt sie nicht durch Hypothesen und Visionen aus, sondern sie zeigt sie nur an. Das ganz Ungewisse würdigt sie nicht einmal, in ihre Register einzutragen, noch weniger das erweislich Fabelhafte.’ (Schlözer Ludwig August, *Versuch einer Universal-Historie* (Göttingen – Gotha, Johann Christian Dieterich: 1772) 40–42).

6 ‘Die Zusammenstellung ist das Werk des Geschichtsschreibers. Wenn Einheit in dem ganzen Plane der Zusammenstellung herrscht, so gewinnt die Universalhistorie ein wissenschaftliches Ansehen [...]’ (ibidem 45).

appropriate composition of the existing fragments. But this was only possible because time and space were the underlying dimensions of history that held the fragments together.

However, it would be misleading to suppose that, in the scientific universe of the Göttingen historians, time and space were the only ground for geographical and historical explanations. Gatterer and Schlözer referred to chronological time and geographical space as absolute parameters of history when they wanted to define the exact position of things in the historical universe. But they did not refer to time and space (or to be more precise, to the length of temporal distances between historical events) when arguing that something had happened because it had lasted for a certain period, or because it was caused by something else that had occurred within a certain span of time.

Such references to the length of historical time are seldom to be found in modern historiography in general. Only now and then do modern historians argue in such a way, when, for instance, they refer to different generations or to the tendency of people to forget things after a while. An early example of the consequences of forgetting over time may be taken from Bossuet's introduction to his 'Universal History' (1681), in which he explained why God had chosen the Jews as his people: because after hundreds of years, men had forgotten the Creator.

Four hundred twenty-six years after the Deluge, when each man walked in his own way, and grew forgetful of him that made them, that great God. To stop the progress of so great an evil, in the midst of corruption [He] began to set apart a chosen people for himself. Abraham was made the choice for being the stock and father of all believers.⁷

In order to explain the absence of historical arguments relying on the length of time, it may help to go back to the general concept of time applied by Schlözer and Gatterer. In constructing the historical universe, they not only referred to Newton's concept of absolute time, but also to Leibniz's idea of relative time. It is not the place here to discuss this in more detail.⁸ Instead, it should suffice to indicate what the difference of their time concepts was about. Newton, in his

⁷ Bossuet Jacques-Bénigne, *An Universal History, from the Beginning of the World, to the Empire of Charlemagne*, trans. Ephilstone (New York: 1821) 19: 'The III. epoch: Calling of Abraham. Third age of the world, 1921 A.C.'

⁸ Cf. Hölscher L., "Time Gardens: Historical Concepts in Modern Historiography", *History and Theory* 53 (2014) 577–591. The controversy between Leibniz and Newton can be studied in: Leibniz Gottfried Wilhelm – Clarke Samuel, *Correspondence*, ed. R. Ariew (Indianapolis – Cambridge: 2000).

Principia Mathematica of 1687, established a concept of empty space and time, which was not bound to concrete (material or spiritual) things, but considered vacant space and time to be independent of all empirical things. For him, the length of temporal or spatial distances were not essential features of empirical things. The only fact that counted in Newton's concept of space and time was their mathematical measurability.

According to Leibniz, however, time (as much as space) was embodied in given objects, indeed, it was nothing but an expression of the internal relations among composite objects. Time was nothing but the order of things that follow one another, he declared. In Leibniz' concept, the absolute size of temporal distances was not considered to be of vital interest for the temporal relation of things. What counted for him was the inner coherence within given objects of this world, even if they had the size of the earth or the universe.

Historians such as Gatterer and Schlözer interpreted these objects in terms of historical objects: states and peoples, ages and historical ideas, etc. Each of them had its measure of time in itself. The absolute scale of the world calendar served only for assigning them to their proper place in the world. In order to follow the ideas of Leibniz, it did not make sense for Gatterer and Schlözer to ask about the 'absolute' size of temporal or spatial distances between things or events, although they had their proper place in historical time and geographical space. The structure of the historical world was not seen as being so coherent that the emptiness of temporal distances between independent things could be interpreted in terms of meaningful relations. In other words, the Göttingen historians played on two different keyboards: the keyboard of absolute, empty time taken from Newton, when they placed events in the calendar, and the keyboard of relative and embodied time when they told histories about certain objects in history such as nations, wars or kings.

The voids of history, they said, should not be filled with invented or uncertain pieces of information about the past. Nevertheless, in their theoretical design of the historical universe, there was an implicit challenge to search for missing links between known objects and events in the past that could explain the overall connections of history. This can be seen from the critique of Friedrich Schiller, who had studied the historical approach and epistemology of the Göttingen historians with great care.

1.2 Friedrich Schiller's Historicist Concept of History

The concept of the *temporal void* applied by Gatterer and Schlözer is a good example for how enlightenment sciences constructed spaces of non-knowledge in order to promote the perfection of human knowledge in the long run. The following passage taken from the inaugural lecture of Friedrich

Schiller, professor of history at the University of Jena from 1789, demonstrates how this concept was overturned by the end of the eighteenth century, leading to another formulation of history in nineteenth century historicism. Different from Gatterer and Schlözer, Schiller did not believe in filling the ‘white spots’ of historical knowledge of the past, because the material that could fill them was lost:

Since world history [*as narrative*, L. H.] depends on the wealth and poverty of historical sources, as many voids in world history [*as a collection of events*, L. H.] must exist as empty spaces in historical transmission. Just as homogeneous, necessary and concrete the changes of the world follow from one another [*because everything is connected*, L. H.], so interrupted and contingent they will be juxtaposed in world history [*as narrative*, L. H.]. Hence there is a remarkable disproportion between the course of world events and the course of world history. One may compare the former with a steady flow, but in world history [*as narrative*, L. H.] only now and then a wave is illuminated [*because of the gaps in historical transmission*, L. H.].⁹

Schiller argued that for fashioning a true record of world history it would be necessary to fill all the voids in the historical sources with real facts. But since this—due to the corruption of historical transmission—was not possible, he searched for a substitute and found it in the philosophical ideas of history. His ‘philosophical’ concept of world history was not filled with fabulous reports, but with rational historical hypotheses that bridged the gaps and voids of historical transmission.

This was the starting point for his concept of history, elaborated in the historiography of the nineteenth century. Following Schiller, the methodology of historicism still appreciated empirical data as valuable confirmations of

9 ‘Weil die Weltgeschichte [*als Erzählung*, L. H.] von dem Reichtum und der Armut an Quellen abhängig ist, so müssen ebenso viele Lücken in der Weltgeschichte [*als Ereigniszusammenhang*, L. H.] entstehen, als es leere Strecken in der Überlieferung gibt. So gleichförmig, notwendig und bestimmt sich die Weltveränderungen aus einander entwickeln [*weil alles mit allem zusammenhängt*, L. H.], so unterbrochen und zufällig werden sie in der Geschichte [*wiederum als Erzählung*, L. H.] zusammengefügt sein. Es ist daher zwischen dem Gang der Welt und dem Gange der Weltgeschichte ein merkliches Missverhältnis sichtbar: Jenen möchte man mit einem ununterbrochen fortfließenden Strom vergleichen, wovon aber in der Weltgeschichte [*wegen der Lückenhaftigkeit der Überlieferung*, L. H.] nur hier und da eine Welle beleuchtet wird.’ (Schiller Friedrich, ‘Was heißt und zu welchem Ende studiert man Universalgeschichte?’, in Idem, *Schriften*, ed. G. Mann, vol. 4 (Frankfurt: 1966) 434).

an overarching historical idea, but the historical narrative itself was based on philosophical ideas taken from the time and interests of the modern, currently living historian. The voids and gaps of history, which had been so essential for the Enlightenment mapping of knowledge, lost their importance, giving way to another form of historical coherence.

In Schiller's concept of world history, time played a role different from that in Gatterer's and Schlözer's notion of universal history. Whereas the enlightened concept of the Göttingen historians held that the universal calendar provided a tableau on which absolute relations could be drawn between all historical objects,¹⁰ Schiller invited his reader to a perspective view on history, looking back from his own present point of time to a more and more distant past (and future).

The model for Schiller's idea of history can be taken from the visual sphere, too, that is, from the theory of central perspective established by Renaissance painters in the fourteenth and fifteenth centuries.¹¹ In their paintings, they constructed a visual representation of the outside world, starting from the position of the painter in respect to the observer, and running to the horizon in the far background of the picture. In this construction, each object had its proper position and its proper appearance, but only in relation to the observer. Hence not only single objects, but the whole array of phenomena looked different from different positions, and the position to look at things could be chosen deliberately.

The position of the observer can be considered the point zero of perspective painting. It was the function of the point zero in early modern mathematics to hold a sequence of numbers together. Without the cipher *zero or null*, which came to Europe from the Indian and Arabic world in late medieval times, neither the idea of infinity nor that of negative numbers would have been possible.¹² In Renaissance painting the viewpoint of the painter in respect to the observer was the point zero of the perspective construction to which the point of infinity corresponded at the horizon. It defined the whole picture as a perspective unity performing the world as a panorama.

The same can be said of Schiller's concept of history. It too had its cardinal point zero, but this point was conceptualized as a temporal void, because as

¹⁰ Gatterer Johann Christoph, *Abriss der Chronologie* (Göttingen, Johann Christian Dieterich: 1777).

¹¹ Cf. Hölscher L., "Bildraum und sozialer Raum. Die Entstehung des historischen Wirklichkeitsverständnisses in der frühneuzeitlichen Bildwelt", in Idem, *Semantik der Leere. Aufsätze zur Theorie der Geschichte* (Göttingen: 2009) 33–67.

¹² Seife C., *Zero. The Biography of a Dangerous Idea* (New York: 2000).

in the perspectivism of Renaissance paintings, the position of the historical observer was shifting over time, producing a neverending sequence of perspective world histories. So again in historicist historiography, we find the construction of a void at the centre of a concept of history. This void, however, was different from the void in enlightened historiography. Whereas voids in the enlightened concept of the historical map or tableau were taken as the missing link between given objects of historical reality, in Schiller's concept of historical perspectivism, the void served as the starting point for historical inquiry.

2 Towards a Historical Theory of Semantic Voids

This may hint at the hypothesis I want to elaborate in the final section of this essay. So far I have tried to demonstrate the existence of various concepts of the 'void' in modern historiography. In the following, I should like to generalize these examples into the idea of a general theory of the void in historical epistemologies. As we have seen, the void seems to be a strategic point and factor in producing meaning in history. It may take the form of the missing link between historical events, such as in Enlightenment historiography, or the shape of the present point of view of the past, as in Schiller's perspective concept of history. In both cases it is important to realize that the spots marked as voids are 'white' or 'empty' in terms of the semantic determination of empirical data, and that they are free to house and absorb the meaning of the whole.

Usually metaphysical hypotheses, for example the assumption of God or universal reason, are installed for obtaining a holistic perspective to reality. However, the void is no metaphysical construction; it has its historical reality in being represented at certain 'spots' or 'places' in history. There is no historical narrative without gaps, not only because not everything is recorded in the historical sources, as Schiller argued, but also because we need gaps in the historical continuity of time where the links between the scattered parts of past realities touch each other and hold together, summing up a historical universe, a narrative. This concept of semantic voids (*Leerstellen*) can be applied to other ideas than spatial dimensions of historical knowledge too. To give but two examples here:

2.1 *Forgetting*

If all events in the past could be remembered, one could argue, if nothing were forgotten, there would be no space for knowing more about the past than past generations themselves had. The forgotten may be the decision for a political act such as, for example, the final decision to carry out the Holocaust of the

Jews in Nazi Germany. The contemporaries had no knowledge of that event, but today we are aware of something that happened in the past without it having been passed down to us. Knowledge of the past must have its origin in the past itself, otherwise it would come from outside, from another region or from a later period of time. The hypothesis of a void in historical sources implies that there is something missing in the past, something that was forgotten or excluded from memory by contemporaries or later generations. The importance of forgetting for the memory of the past is threefold: It is necessary (a) as a starting point for historical inquiries, to fill the gaps of memory; (b) as a medium of historical memory, in order to unburden humans from useless memories; (c) as a purpose or goal of historical memory, for instance, for the reconciliation of former enemies.¹³ The empty spaces in our memory are crucial for producing new ideas about past realities, for making historical studies productive. In all these cases we rely on the existence of empty spaces in our memory. Without them, history would not make sense.

2.2 Accident

The void adopts another appearance in the form of historical accidents. This follows from the following argument: If all things depended on one another by necessity, if nothing happened just by chance or accident, nothing would happen that is not predictable in principle. The accident is a link between events that do not follow from one another by causal relations. It works like an empty space in the causal network of origins and consequences, bridging the gap between them. To go further: The accident counteracts the enlightened hypothesis of an all-embracing system of interrelations among all historical events. That is why social scientists often disdain the idea of accidents as manifestations of scientific irrationality and helplessness, different from how historians, using historical accidents, open doors for new historical explanations.¹⁴ For historians, the accident very often serves as a semantic void, which invites them to produce new narratives explaining the course of history by the unexpected and unforeseeable. Here again the void is taken as a productive source of historical knowledge.

Without the recognition of contingencies, coincidences, and other forms of accidents, no history would be possible which is based on the premise of

¹³ Hölscher L., "Geschichte und Vergessen (1989)", in Idem, *Semantik der Leere* 100–114.

¹⁴ Cf. Koselleck R., "Der Zufall als Motivationsrest in der Geschichtsschreibung", in Idem, *Vergangene Zukunft. Zur Semantik geschichtlicher Zeiten* (Frankfurt a.M.: 1979) 158–175; Hoffmann A., *Zufall und Kontingenz in der Geschichtstheorie. Mit zwei Studien zu Theorie und Praxis der Sozialgeschichte* (Frankfurt a.M.: 2004).

human free will and the existence of undetermined configurations. In medieval and early modern Europe, God as the warrant for the cohesion of the world symbolized the empty position in the causal nexus of things, making him the author of accidents. But since metaphysical belief in God's existence has diminished, we have to rely on other theories for giving cohesion to the world. For a semiotic approach to history it may be helpful to think of this cohesion in terms of the semantic void. The theory of semantic voids allows historians to explain our superior point of historical analysis beyond the reality established in historical sources, in terms of a real point in history, to prove that we are, in contrast to the reality of literature, part of the reality that we establish in our historical narratives.

What all these examples have in common is the fact that the void is the logical and systematic point where the existence of empirical phenomena may communicate with the overarching coherence of the historical world. What we do not know must have its proper place in a systematic sketch, it must be designed as accident, forgotten, a missing link or otherwise, in order to insinuate that the splinters of reality which we hold in our hands fit together in a coherent picture of existence.

Speaking of a 'semantic of the void' implies that our ignorance can be transformed to specified nonknowledge, i.e. that it keeps to certain linguistic rules, that it relies and makes use of certain languages and concepts, which give a semantic shape to the unknown without naming it explicitly. This may be the language of spatial measuring, employed in eighteenth century geography and historiography, the language of accidents, which served to leave open the empty spaces in our rational explanations of the world, or the language of forgetting, which prevents history from being reduced to what surviving sources have handed down to our present memory. They all are various manifestations of the void in between.

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Non-Knowledge and Decision Making: The Challenge for the Historian

William O'Reilly

1 Introduction

'Unable to remedy death, sorrow, and ignorance', the mathematician and philosopher Blaise Pascal wrote, men determined 'in order to make themselves happy, not to think on these things'.¹ Faced with the paradox that for every increase in knowledge production, there is a proportional deficit in knowledge and a growth in perceived ignorance, Pascal and many others since chose not to dwell on the subject of ignorance. From Roger Bacon and his 'four causes of human ignorance' to Francis Bacon's truth-distorting 'Idols', relative ignorance has concerned thinkers from the ancient world to the present information age. Knowledge, it is held, is necessary to acknowledge ignorance; it takes acknowledgement to inquire and face that which we do not know.² Growing knowledge increases the realm of ignorance, throwing up surprises which demand new ways of coping with the unknown.³ Nowhere, perhaps, is this more evident than in the hundreds of thousands of individual choices made and decisions reached to uproot and depart one's familiar land and travel abroad, in search of a new life. In the age predating steam ships and railroads, a large swathe of Europe was cleared as people heeded the recruiters' calls to come, follow and move to America, Russia or wherever an opportunity arose. Yet in the early-modern age of limited literacy and information scarcity, men and women were pushed to weigh that which they knew against that which they did not know and, even more, against error and intuition. This chapter explores how in such contexts ignorance could be dynamic, and specifically how men and women came to deny both the known and unknown in order

¹ Pascal Blaise, *The Thoughts of Blaise Pascal*, ed. A. Molinier, trans. C. Kegan Paul (London: 1901) 34: "Diversion".

² Best D. L. – Intons-Peterson M. J. (eds.), *Memory Distortions and their Prevention* (Mahwah, NJ: 1998) 127.

³ Gross M., *Ignorance and Surprise: Science, Society, and Ecological Design* (Cambridge, MA: 2010) 51.

to commit to a decision to migrate, often against instinct, logic and advice. The chapter will continue to consider, what historians can gain from studying and considering non-knowledge when addressing questions of intention and decision-making in the past.⁴

The parish register of the Lutheran church of Höchst in the Odenwald recounts the difficult years of want and destruction and the near-total annihilation of the community during the Thirty Years' War (1618–1648), but also the regrowth of the town in the late seventeenth, and then the emigration of so many of the residents in the eighteenth century. An entry in the church register records one Johann Jacob Bauer (born 14 August 1750), as heeding the calls of emigration agents in the employ of Catherine the Great's government and in 1766 departing 'for Russia' to settle in Georgia, in search of a better life. Seven years later Johann Bauer's friend, Johannes Brücker (born 8 May 1747), also left the village, heeding a recruiter's call to settle the land in Hungary, and specifically in a place called Georgia.

Both Johann Bauer and Johannes Brücker made the decision to uproot and leave their homes for Georgia, both listened to the bullish calls of recruiting agents keen to raise settlers for their lord's lands, and both men committed to embark on a journey into the unknown, travelling an undefined distance in an unknown direction along an unfamiliar route. What each knew, however, was that Russia and Hungary—and most specifically the synonymous label used for both, 'Georgia'—stood for possibility, improvement and a better life. It is unlikely either man had ever ventured far from his village of birth; or that either had a knowledge of geography or cartography sufficient to inform him of the journey that lay ahead, of how one might walk and sail along the Danube for part of his journey to Hungary or Russia. And it is unlikely that either man had more than a qualified scepticism concerning the reliability of the information supplied, concerning where he was going.

And yet... Neither Bauer nor Brücker arrived in Hungary or in Russia. Both men did, however, reach another Georgia, of sorts—in America.⁵ Bauer arrived in Philadelphia on 26 October 1767, having travelled aboard the *Britannia* [sic] from Rotterdam; Brücker arrived in Philadelphia on 23 August 1773 having

⁴ 'Non-knowledge', meaning 'lack of knowledge, the fact or condition of not knowing', is a term used in English as early as 1503 (*Rolls of Parl.* vi. 532/2) and in a 1602 pamphlet ('A Non-knowledge, what catholiks were guiltie, and who were free.' See: *Oxford English Dictionary*).

⁵ Clarke J. A., "Some Eighteenth-Century Emigrants from Höchst in dem Odenwald", in Egge M. F. (ed.), *Pennsylvania German Roots Across the Ocean* (Philadelphia: 2000) 157–184; Blanche F., "Volgadeutsch – Unsere Leute", *The Palatine Immigrant* 26 (Spring, 1990).

sailed on the *Sally*.⁶ Many questions present, as a result of this ‘mis-direction’, but perhaps the most interesting is: did it matter, that both men ended up in an iteration of a place—little more than a name or label—they did not, in any case, know or understand? Were they disappointed or elated because they had reached ‘abroad’ or because they had reached ‘Georgia’? Was their decision to migrate wedded more to the idea of a place, than the place proper? How much was known, how much unknown; was ‘uncomfortable knowledge’ suspended in the interests of a post-factum teleological imposition of a known direction on the lived experience?⁷

Bauer’s and Brücker’s stories stand for the stories of the majority of migrants who uproot and emigrate, in the past and today. It helps when considering how scepticism, ignorance, strategic unknowns, ambiguity, risk and uncertainty, and most particularly non-knowledge, have a bearing on research into the history of migration and the practice of migration today. Knowledge and non-knowledge inform migration and most particularly exert influence on migrants’ decision-making capacity. Part of this story is the active and passive enacting of non-knowledge.⁸ Non-knowledge and how it exerts influence on decision making in migration, can offer new ideas and a new methodological approach to the study of travel and migration in the past, and perhaps in the present.

2 The Meaning of ‘Non-Knowledge’

A raft of proper definitions and new taxonomies has appeared in scholarship in German and English on the subject of ‘Non-knowledge’.⁹ The result has been a new repository of terms, mostly implying a linear progression between forms of ignorance, which largely fail to highlight the dynamism between knowledge, scepticism and ignorance: terms such as meta-ignorance or ignorance-squared.¹⁰ Non-knowledge—the lack of knowledge and ignorance—is largely

6 Strassburger R. B. – Hinke W. J., *Pennsylvania German Pioneers: A Publication of the Original Lists of Arrivals in the Port of Philadelphia from 1727–1808*, 2 vols. (Baltimore: 1966) vol. 1, 717 (List 266C) and 748–49 (List 306C).

7 Douglas M., *How institutions think* (Syracuse, NY: 1986) 76.

8 This point finds resonance, I believe, in the idea of ‘interpretative silences’ suggested by Lisa Disch, when she writes, that ‘no phenomenon simply gives rise to its categories of analysis’: Disch L., *Hannah Arendt and the Limits of Philosophy* (Ithaca: 1994) 130.

9 Gross M., “The unknown in process: Dynamic connections or ignorance, non-knowledge and related concepts”, *Current Sociology* 55, 5 (2007) 742–759, here 743.

10 McGoey L., “Strategic unknowns: towards a sociology of ignorance”, *Economy and Society* 41, 1 (2012) 1–16, here 7.

viewed as a kind of deviation from true knowledge; the shape of interest-driven ideology.¹¹ Ignorance, in turn, has been detected as one of two possible types—unrecognized and specified—with the latter ‘a prelude to newly focused inquiry’.¹² But of course, new knowledge can also develop into other forms of knowledge or into unspecified ignorance, and not just into an awareness of more ignorance.¹³ The fundamental modes of framing uncertainty in modern society have much to do with this functionalist definition; social interaction is based on consensus, on shared knowledge, and any challenges to the idea of a single true knowledge remain limited, retaining the essential distinction between construction and reality and, as a result, the distinction between construed and non-construed reality.¹⁴ In turn, this distinction between construed and non-construed reality leads to a devaluation of non-knowledge, usually dismissed as ‘ignorance’ or even ‘stupidity’. If neither consensus nor true knowledge can continue to be viewed as the basis for social interaction, however, then non-knowledge cannot simply be implicitly devalued: this is only possible if non-knowledge is described and named: making non-knowledge the other side of knowledge, leading to an unknown, rather than a known, outcome.¹⁵ It is not simply ‘the absence of empirically valid knowledge’, ‘specified ignorance’ or even ‘learned ignorance’, in the style of Nicholas of Cusa.¹⁶ Rather, non-knowledge may be referred to as a realm that has, largely, escaped recognition.¹⁷

‘I don’t think’, Georges Bataille once suggested, ‘it is possible to talk seriously of knowledge independent of its effects’.¹⁸ This chapter will try, in a limited way, to respond to and echo this assertion, exploring the productive and generative

¹¹ Japp K. P., “Distinguishing Non-Knowledge”, *The Canadian Journal of Sociology* 25, 2 (2000) 225–238, here 225.

¹² Merton R. K., “Three Fragments from a Sociologist’s Notebooks: Establishing the Phenomenon, Specified Ignorance, and Strategic Research Materials”, *Annual Review of Sociology* 131, 1 (1987) 1–29, here 8.

¹³ Gross, *Ignorance and Surprise* 59–60; Merton, “Three Fragments” 8–9.

¹⁴ Smithson M., “Towards a social theory of ignorance”, *Journal for the Theory of Social Behaviour* 15, 2 (1985) 151–172.

¹⁵ Japp, “Distinguishing Non-Knowledge” 226.

¹⁶ Moore W. E. – Tumin M., “Some social functions of ignorance”, *American Sociological Review* 14, 6 (1949) 787–795, here 788; Merton, “Three Fragments” 8; Nicholas of Cusa, *On Learned Ignorance: a translation and an appraisal of De docta ignorantia*, ed. J. Hopkins (Minneapolis: 1981).

¹⁷ Faber M. – Proops J. L. R., *Evolution, Time, Production and the Environment*, 3rd ed. (Heidelberg: 1998) 128–129.

¹⁸ Bataille G. (ed.), *The unfinished system of nonknowledge* (Minneapolis: 2001).

effects of 'non-knowledge' and 'negative knowledges' such as ignorance, uncertainty and ambiguity, and their uses in practice. It would be possible to develop these ideas in other directions, not least in the context of what Mary Douglas and E. E. Evans-Pritchard, called 'uncomfortable knowledge' and 'structural amnesia'; the ways that 'institutions create shadow places in which nothing can be seen and no questions asked'.¹⁹ In the context in which I explore these ideas, namely how non-knowledge and negative knowledges play a part in decision making in migration—not just the decision to migrate, but the decision where to migrate—both these concepts, uncomfortable knowledge and structural amnesia, play a highly significant part in the migrants' reticence, reluctance and refusal to address the challenges and dangers associated with the path to a new life abroad.

The effort to understand personal and institutional (in)action in the face of unwanted or simply inconvenient facts calls attention to what Peter Galison has called 'antiepistemology', the study of non-knowledge or the art of how knowledge is deflected, covered and obscured.²⁰ If epistemology explores the nature, methodology and limits of the production of knowledge, antiepistemology asks after its shadow: the nature of non-knowledge, and the political and social practices embedded in the effort to suppress or to kindle endless new forms of ambiguity and ignorance.²¹ Debates over ignorance and knowledge go back at least as far as Socrates, but until recently there has been a notable absence of scholarly attention paid to the practical uses and value of ignorance in social and economic life, and in particular in the discipline of History. A shift in epistemological focus would grant ideas of non-knowledge its full reality as a social fact, not merely as an accidental or deliberate impediment to, or precursor of, knowledge, but as a productive force in and of itself.²²

In this understanding, ignorance is another, different, form of knowledge: 'social unknowing', 'strategic ignorance' and the deliberate decay of knowledge help to maintain and to disrupt social and political orders, allowing, as McGoey puts it, 'both governors and the governed to deny awareness of things it is not in their interest to acknowledge'.²³ Migrants—across time—are well

¹⁹ Douglas M., *How institutions think* (Syracuse, NY: 1986) 76.

²⁰ Galison P., "Removing knowledge", *Critical Inquiry* 31 (2004) 229–243, here 237.

²¹ McGoey, "Strategic unknowns" 3.

²² What Bataille called the 'honesty of nonknowledge': Bataille, *The unfinished system* 201.

²³ Thrift N., "Flies and germs: A geography of knowledge", in Gregory D. – Urry J. (eds.), *Social relations and spatial structures* (London: 1985) 97; McGoey L., "On the will to ignorance in bureaucracy", *Economy and Society* 36, 2 (2007) 212–235; McGoey, "Strategic unknowns" 4. In science and technology studies, more attention has been paid to the commercial,

aware of the real and potential dangers, many mortal, which potentially face them on their journeys. And yet they choose to ignore these challenges, allowing both their tacit and active awareness of risk to be displaced and to decay, to avoid disengaging from their venture. Ignorance in this context can also serve as emancipation: it is not just useful to those seeking to conceal information while appearing transparent, or to absolve themselves of involvement in illegal, immoral, fraudulent or incompetent activities.

Robert Proctor's work on agnotology—his term for the cultural reproduction and transmission of ignorance—highlights how ignorance and uncertainty are at times exploited for dubious gain by a number of industries.²⁴ There are positive uses of ignorance, too: ignorance can help to guard against prejudice in political and in legal life, and deliberate ignorance is a moral duty within medical ethics, where ignorance of disease aetiologies and potential treatments is preferable to obtaining evidence through unethical means.²⁵ It is important to challenge the strict opposition, as Eve Sedgwick has written, between knowledge and ignorance to highlight the reciprocal ways that 'ignorance and opacity collude or compete with knowledge in mobilizing the flows of energy, desire, goods, meanings, persons'.²⁶

In order to make the concept of cultures of non-knowledge applicable to empirical research, it must be both specified and further developed. A first set of rather general criteria for specifying different cultures of non-knowledge can be derived from sociological observation of the ways in which non-knowledge (often tacitly) is recognised, (often indirectly) defined, and (often implicitly) dealt with in various social contexts. As a means of specification, we might consider three dimensions of non-knowledge:

The first dimension refers to knowledge or awareness of non-knowledge, which spreads between full awareness (we know what we don't know) and complete unawareness ('unknown unknowns'). The second dimension, inten-

political and social uses of ignorance. See, *inter alia*, Balmer B., *Secrecy and Science: a historical sociology of biological and chemical warfare* (Farnham: 2012).

²⁴ Proctor R. – Schiebinger L. (eds.), *Agnotology: The making and unmaking of ignorance* (Stanford: 2008), *passim*.

²⁵ [...] in the courtroom, where jurors are supposed to be ignorant of the particulars of the crime they are evaluating [...] knowledge here is interestingly attached to bias, ignorance to balance' (Proctor R., "Agnotology: A missing term to describe the cultural production of ignorance (and its study)", in Proctor – Schiebinger, *Agnotology* 1–33, here 24).

²⁶ Sedgwick E., *Epistemology of the closet* (Berkeley: 2008) 4, my emphasis. 'There is no binary division to be made between what one says and what one does not say; we must try to remember the different ways of not saying such things [...]'; Foucault M., *The History of Sexuality*, trans. R. Hurley (New York: 1978) vol. 1, 27.

tionality of non-knowledge, contrasts unintended non-knowledge with the conscious refusal of certain cognitions. And the third dimension, temporal stability or reducibility of non-knowledge, extends from what is not yet known but, presumably, does not present any substantial difficulties to cognition, to the entirely ‘unknowable’ and therefore uncontrollable.²⁷ The great desire to travel, to migrate and relocate to a new place, offers insights into the applicability of considering cultures of non-knowledge in empirical research.

3 Travel, Migration and Knowledge

The study of migration, and in particular how migrants make decisions to uproot and where to relocate, is an excellent example of the interplay of knowledge and non-knowledge. The active elements in the equation of migration—information, disinformation, reliability, judgement, scepticism, motivation, etc.—fuse and infuse to create new varieties of knowledge and non-knowledge about the potential for a better future in a better place. Travel, migration and the search for epistemic knowledge are well connected: travel in every variety is a form of survey, implying much the same skills and techniques of inquiry, assessment, categorisation and decision making.²⁸ If travel and migration serves to enhance the acquisition of knowledge, then one might conceive of knowledge acquisition as a cognitive mode close to the act of travelling. Knowledge acquisition and travel are thus both mixtures—albeit in different proportions—of perceptive and epistemological curiosity.²⁹

Travel and migration are intimately linked with knowledge: the traveller and the migrant collect impressions and souvenirs and gather information.³⁰ In order to react adequately to the challenges of life, societies require empirical knowledge of their social and natural environment. This knowledge must be public, if united actions are to be taken in response to it. And yet empirical knowledge must allow falsification. This antagonism between world-view and empirical knowledge is evident in some undifferentiated societies today and in most societies in the past, but in modern societies more empirical knowledge can be assimilated disproportionately, allowing this knowledge to be handled

²⁷ Wehling P., *Im Schatten des Wissens? Perspektiven der Soziologie des Nichtwissens* (Konstanz: 2006); Grove-White R., “New wine, old bottles. Personal reflections on the new biotechnology commissions”, *Political Quarterly* 72, 4 (2001) 466–472.

²⁸ Stagl J., *A History of Curiosity: The Theory of Travel, 1550–1800* (Chur: 1995) 5.

²⁹ Stagl, *History of Curiosity* 6.

³⁰ Stagl, *History of Curiosity* 7.

by specialized institutions like bureaucracies or research institutes. In the pre-modern past, this was almost always not the case and the historian must be cognisant of this reality when studying belief, understanding, information gathering and the assessment and the rejection of knowledge. And, importantly, when seeking to understand how decisions were reached in the past.

Less differentiated societies today, and most societies in the past whose study preoccupies historians, had and have three basic mechanisms for dealing with this antagonism between world-view and empirical knowledge: (1) the circulation of knowledge between centre and periphery; (2) the structure of memory and (3) the alternation of 'opening' and 'closing' phases in the system of knowledge. These mechanisms assure that societies in the past adapted to a changing reality without endangering a shared identity.

The first, that the centre of any socio-cultural unit is made by those members who either represent it as leaders or as recognized experts, such as the literate.³¹ The ongoing circulation of knowledge between both these 'experts' and the rest ('peripheral members') allows society to regenerate its system of knowledge and to adapt it to a changing world.³²

Second, knowledge is deposited in *memory*, 'the process by which man not only repeats his past experience but also constructs this experience'.³³ Three forms of memory can be distinguished: personal, communicative and cultural memory. All knowledge must originally be integrated into some personal memory and from there it may ultimately be incorporated into cultural memory. On all three levels knowledge is thus filtered and incompatible items are sorted out. On the personal level unusable knowledge is banished to the unconscious, whence it can be resuscitated in case of need. On the group level it is excluded for public communication, yet lingers on at least for one more generation in the form of personal knowledge.³⁴ On the societal level it may remain available for many more generations. On all three levels, official knowledge is surrounded by a limbo of unofficial knowledge which cushions it against changing empirical reality.

And third, this system of knowledge has alternating phases of 'opening' and 'closing' towards empirical reality. Phases of opening accompany situations of crisis. A crisis—such as the decision to migrate, or the need to emigrate—can be defined as an intensification of the internal and external problems of a social unit drastic enough to jeopardize the customary ways of living and thinking of

³¹ Stagl, *History of Curiosity* 7.

³² Bühl W. L., *Die Ordnung des Wissens* (Berlin: 1984) 62–65.

³³ Cassirer E., *Philosophie der symbolischen Formen*, 3 vols. (Darmstadt: 1972) vol. 1, 52.

³⁴ Bühl, *Die Ordnung des Wissens* 95–98.

its members. In such situations the circulation of knowledge described no longer suffices and large quantities of contingent, unpredictable knowledge must be admitted into the common intellectual household and eventually even change its basic rules and schemata. Such phases of opening occur, for example, in connection with natural or economic catastrophes, political upheavals, war or as today, in a time of large-scale migration.³⁵

The presupposed stability of empirical knowledge and the heuristic models underpinning what was, and what could constitute, empirical knowledge was undergoing significant change in the sixteenth, seventeenth and eighteenth centuries. New, metropolitan centres of information gathering were appearing and in them clubs and societies—some state-sponsored or with the monarch's imprimatur, others supported by traders' companies and commercial interests—interests were developed and information was made accessible, albeit to a limited sector of society. Both the forms of knowledge and the capacity to handle that knowledge, then, was changing at this time. On most occasions such knowledge remains restricted to certain members or groups in society and was only accessed when it was felt necessary or appropriate. The societal isolation of knowledge is the functional equivalent in these societies in the past of the specialized institutions handling knowledge in societies today.³⁶ Yet one challenge to empirical knowledge common to history as to politics today was scepticism.

4 Scepticism, Non-Knowledge, History and Outcome

Writing in 1748, David Hume in his *Enquiry concerning Human Understanding* put forward the unsettling idea, not for the first time, that there was and could not be any logical security in cause and effect. As in his philosophical writings, Hume's historical readings were also faced with this sceptical view: science and reason were the watchwords of the age and cast the world in a more rational light, but there could be no guarantee that cause would always result in the same effect just because it had, until now, seemingly always done so. 'Our conclusions from that experience are not focussed on reason or any process of the understanding. [...] We believe solely because our day-to-day experience confirms us in a certain habit of belief. [...] After the constant conjunction of

35 Clausen L., *Krasser soziale Wandel* (Kiel: 1994) 13–17.

36 Stagl, *History of Curiosity* 7.

two objects [...] we are determined by custom alone to expect the one from the appearance of the other'.³⁷

For Hume, the relationship of cause and effect was not misplaced; neither was it certain or the result of inherent laws of thought. His scepticism was grounded on his belief in confluent change, the growing possibility that outcome would likely be different given the proclivity for variation: input of a kind would not necessarily, and certainly not desirably, result in outcome of a known or established form simply because it had once before done so. Hume's sceptical views are those of the Historian, or certainly should inform best practice for scholars engaged in a study of change over time, including historians. At its most popular level, History is understood to be that which teaches us the errors of the past that we might best avoid them in the future. However naïve this may appear, History as an academic discipline has long served as the custodian of fact, the repository of certainty and the arbiter of debate. History, in this iteration, informs, but it also educates: in this way, it serves a quasi-religious purpose. Popular belief is that History serves as a prophylactic, permitting an enjoyable encounter with the past while prohibiting an unwanted outcome. It is the act of encounters which is the historian's act; not the production of outcome, but the qualified and experienced act of intellectual engagement with a revealed and revealing past. Context, then, is the adhesive that holds together a set of past moments and it is context that, ultimately, preoccupies the professional Historian. It is the range of Context which determines: in Hume's words we 'expect the one from the appearance of the other'.

A 'sceptic' and a 'believer' are not opposing classifications. A sceptic raises doubts about the rational or evidential merits of the justifications given for a belief, doubting that necessary and sufficient reasons either have been or could be discovered to show that any particular belief must be true and cannot possibly be false. The sceptic may still accept and hold various beliefs, religious or metaphysical. Writing of his Christian faith, Pierre Bayle's colleague Pierre Jurieu famously wrote 'I believe it because I want to believe [*Je le crois parce que je veux le croire*]'.³⁸ Sceptics cast doubt on the ability to gain knowledge of the world and by extension to form and propagate a 'history' of the past. And scepticism casts doubt on the ability to construct a view of the past that claims

37 For more on Hume and scepticism and the historical method see, *inter alia*: Hakkarainen J., "Hume's Scepticism and Realism", *British Journal for the History of Philosophy* 20, 2 (2012) 283–309; Fogelin R.J., "Hume's Scepticism", in Norton D.F. (ed.), *The Cambridge Companion to Hume* (Cambridge: 1993) 90–116.

38 Kenny A., *Wittgenstein* (London: 1973), ch. 11, "On scepticism and certainty".

to be complete or near complete; the whole notion of History as a site of information about the past is thrown on its head.

Two frequently made objections to scepticism target its weakness. The first is that the sceptic's commitment to our epistemic limitations is inconsistent. A sceptic cannot consistently claim to know, for example, that knowledge is not possible; neither can a sceptic consistently claim that we should suspend judgment regarding all matters insofar as this claim is itself a judgment. The second variant of objection is that the alleged epistemic limitations and the suggestion that we should suspend judgment would make life unliveable.³⁹ The business of day-to-day life requires that we make choices and this requires making judgments. Michel de Montaigne (1533–92) is remembered by posterity for one question, if nothing else: *Que sais-je?*, 'what do I know?'. This sceptical question became his very motto; just like the mottos painted on the beams of his study, 'All that is certain is that nothing is certain' and 'I suspend judgement'.⁴⁰ Scepticism, however, and the suspension of judgement does not adequately explain how or why, decisions are reached: 'I believe it because I want to believe' is not enough. Scepticism might doubt the ability to gain knowledge, but this does not help in explaining why gained knowledge is rejected, or why ignorance is exploited in the service of an outcome. Non-knowledge aids in this understanding.

5 Non-Knowledge and the Decision to Migrate

If knowledge is fixed as a case of the application of observation operations, then non-knowledge has an operative relevance not only for cognitive operations, but for all communicative operations, and therefore also for social action: unity may be seen in risk, but precisely this assumes the difference between specific and unspecific non-knowledge. It is in this context of perceived or assumed risk, when migrants choose to deny or dismiss risk that specific and unspecific non-knowledge are not ignored but rather are offset against the objective positive outcome and are allowed to waste. An analogy may be made with learning to ride a bicycle. If the desire to cycle successfully is so important that the potential risk of falling is marginalised, then the looming threat of injury decreases—as the venture progresses, the rate of decrease of perceived risk decreases exponentially. Knowledge of risk-associated danger

39 See, *inter alia*, Stroud B., *The Significance of Philosophical Scepticism* (Oxford: 1984), esp. ch. II, "Philosophical scepticism and everyday life".

40 Burke P., *Montaigne* (Oxford: 1981) 14.

recedes further into the subconscious, the longer the venture proceeds in an, at least neutral, trajectory towards success. Individual, group, cultural and other factors may play a part in rates of non-knowledge. In this context it would be interesting, for example, to measure an individual migrant's, versus a migrant group's, commitment to non-knowledge.

In specific non-knowledge—e.g. unknown ways of gaining access to a foreign labour market related to knowledge of opportunities in that foreign country—, we are dealing with a process which is operating along already known solutions which create new non-knowledge and thus cannot rid itself of the shadow of uncertainties. Unspecific non-knowledge—e.g. unknown ways of gaining access to the foreign labour market related to perception of high risk or catastrophe—is the pre-supposition of actions or decisions, which exploit ignorance.⁴¹ Ignorance is used for increased preparedness to take preventive action in the face of risk-aversion like bans on all migrants into the targeted foreign country. Risk taking, as a more or less calculated decision, is a result of perceiving specific non-knowledge as a resource for risky action and less so for cognition. So non-knowledge proves productive for observation operations, both as cognition and as action. In short: there appear to be structural effects of non-knowledge on cognition and action, without which one would somehow arrive at normatively consented actions and scientifically controlled cognition.

There are, in principle, two theories on the concept that communication on danger may be regarded as the communication of non-knowledge and that one is thereby faced with processes of attribution. On the one hand, this is the theory of 'reflexive modernization' represented by Ulrich Beck and, on the other, there is the constructivist systems theory represented by Niklas Luhmann.⁴² The theory of 'reflexive modernization' shares the premise that the world is on the one hand construed—mostly in the sense that it is perceived—while, on the other hand, consisting of objectifiable facts, which are in effect only accessible to science.⁴³ This 'incomplete constructivism' depends

⁴¹ March J. G. – Olsen J. P., *Democratic Governance* (New York: 1995) 199–223.

⁴² Beck U., *Risikogesellschaft. Auf dem Weg in eine andere Moderne* (Frankfurt a.M.: 1986); idem., *Gegengifte. Die organisierte Unverantwortlichkeit* (Frankfurt a.M.: 1988); Luhmann N., *Die Gesellschaft der Gesellschaft*, 2 vols. (Frankfurt a. M.: 1997), vol. 2.

⁴³ Beck U. – Giddens A. – Lash S., *Reflexive Modernisierung. Eine Kontroverse* (Frankfurt a.M.: 1996). See also: Clarke L., "Context Dependency and Risk Decision Making", in Short J. F. Jr. – Clarke L. (eds.), *Organizations, Uncertainties, and Risk* (Boulder, Colorado: 1992) 27–38; Hilgartner S., "The Social Construction of Risk Objects: Or, How to Pry Open Networks of Risk", in Short – Clarke (eds.), *Organizations* 39–53; Renn O., "Concepts of Risk: A Classification", in Krimsky S. – Golding D. (eds.), *Social Theories of Risk* (Westport,

on the strange, but also strangely alluring, assumption that ‘independently given facts’ (dangers or risks) simultaneously are subject to contingent activities of construction. One must then simply determine which constructions best ‘match’ the facts. ‘Which social construction of the problems is able to distinguish between the construction and the reality of the problems? The answer is: science’.⁴⁴ This argument indicates an ‘incomplete constructivism’: the social world contains constructions but ‘the world’ is by no means a construction: systems do exist.⁴⁵ Luhmann connects decision making, risk and contingency (and within this, non-knowledge) to paint a picture of an explicitly modern world view, bound up with a functionally differentiated society. For Luhmann, risk is understood as a notion where probabilities are known; it is the probability of a harmful event that is multiplied with the amount of expected harm that the event will inflict.⁴⁶ Yet this view of risk, most especially in decision making in migration, is too limiting. There can also be ‘unperceived risk’, where ‘visibility [of the risk] often occurs after a time lag’.⁴⁷ Such a definition of risk, which goes beyond a probabilistic risk assessment, helps to understand how hindsight is easier than foresight and how decisions can, retrospectively, be explained and justified when outlining what one should have known beforehand.

Thus, what holds true for Niklas Luhmann’s modern world view also holds true for the pre-modern world, certainly in the early modern period. As Anthony Giddens has written, risk comes into usage ‘only in a society which is future oriented—which sees the future precisely as a territory to be conquered or colonized. Risk presumes a society that actively tries to break away from its past—the prime characteristic, indeed, of modern industrial civilization’.⁴⁸ For many in the pre-modern world, of course, the future was precisely that—a place to be conquered and colonized, to be made anew. And in place of the tools of a ‘modern industrial civilization’, it was a deity, a god, which was the most common or indeed only placeholder for science. Belief in a god did not

Conn.: 1992) 53–79; Wildavsky A., *But is it True? A Citizen’s Guide to Environmental Health and Safety Issues* (Cambridge, Mass.: 1995).

44 Daele W. van den, “Soziologische Beobachtung und ökologische Krise” in Jaeger C. C. – Diekmann A. (eds.), *Umweltsoziologie*, Kölner Zeitschrift für Soziologie und Sozialpsychologie Sonderheft 36 (Opladen: 1996) 420–440.

45 ‘Die folgenden Überlegungen gehen davon aus, daß es Systeme gibt.’ (Luhmann N., *Soziale Systeme. Grundriß einer allgemeinen Theorie* (Frankfurt a.M.: 1987) 30).

46 Gross, *Ignorance and Surprise* 60–61.

47 Murphy R., *Leadership in Disaster: Learning for a Future with Global Climate Change* (Montreal – Kingston: 2009) 36.

48 Giddens A., *The Third Way and its Critics* (Cambridge: 2000) 40.

always have the primary function in distinguishing between social construction and reality. More likely—although we can never entirely know—it was a mixture of a belief in a munificent god and in well-chosen advice which was relied upon when fixing on a decision to migrate. Neither Bauer nor Brücker affirmed a belief solely in god or man when making his choice to leave.

Non-knowledge is increasingly de-valued by attribution to risk and to an open future, and this frequently focuses on the ambiguous term of specific non-knowledge: as a scientific problem non-knowledge refers to the opposite of certain knowledge of science, and as risk it refers to the opposite of unspecific non-knowledge, to that which is communicated within society as a (possible) catastrophe. Specific non-knowledge has also left the niche of scientific solutions of problems to enter the universal context of risky time bindings. An empirical indicator of specific non-knowledge as risk is a partial rejection of knowledge—e.g. expert dissent—and of unspecific non-knowledge it is the complete rejection of knowledge—e.g. unconditional bans on emigration into Country A versus conditional bans on migrants from specific countries. But of course, as normative decisions about what it is important and unimportant to empirically know, these decisions themselves may be examples of negative knowledge. As indicators, they also demonstrate specific and unspecific non-knowledge as *operative* terms—not simply as observable facts.

It may simply be that non-knowledge is regarded as an as-yet unsolved problem of information, as specific non-knowledge in the context of science. The complementary concept of unspecific non-knowledge cannot be achieved from the position of ‘incomplete constructivism’ or if so, only in the shape of an ‘arbitrary construction’, e.g. Ulrich Beck’s ‘Nicht-Wissen-Wollen [*not wishing to know*]’. We see this in the opening story of Bauer and Brücker not knowing to which Georgia, if any, they were travelling.

Robert Merton gives a central position to the difference between certain scientific knowledge and specified ignorance.⁴⁹ Dealing with the development of science and with distinguishing ‘useful non-knowledge’ from a ‘manifestly dysfunctional kind’, he highlights how specified ignorance serves to transform non-knowledge into knowledge—the production of knowledge is regarded as the simultaneous production of specifiable and specified non-knowledge. Merton’s example referred to the development of the theory of deviant behaviour: but it could also relate to the incentive to migrate. Each scientific solution—e.g. answers to the questions of the origin/cause for migration—generates connectable problems and specifiable non-knowledge—e.g. with respect to the passing on of a desire to migrate. The specification of non-

49 Merton, “Three Fragments”.

knowledge directs problem seeking as a condition for scientific problem solutions. Non-knowledge here has a temporary nature and is as such a driving moment of the normal production of cognition.

Unspecific non-knowledge refers to the complete refusal of positive knowledge and induces a definite transition from cognition (what is emigration?) to action (ban emigration!). It is possible to assume that specified non-knowledge leads at best to a weighing up of risks, while unspecified non-knowledge leads to catastrophic risk constructions, bringing with them categorical imperatives of avoidance. In the case of risk, the uncertainties of non-knowledge are dealt with by decision-making, and in the case of cognition they are dealt with by the application of methods and the generation of hypotheses; society figuratively waits to see whether speed (risk) or methodical problem solving is 'better'.

6 Decision Making, Migration and Economy

How has non-knowledge of future events that influence decision making in choice settings—in this case, why and how people decide to emigrate—been formally represented in economic theory?⁵⁰ Recent wars, economic collapses and resulting humanitarian crises—culminating most obviously in the migration crisis of 2015—have drawn attention to the inability of modern economic theory to properly account for uncertainty and imperfect knowledge: neglect of these issues, it is argued, is one of the reasons for the failure of the economic profession in the difficult times of 2007–2009, and likely we will see, in hindsight, for the challenges of immigration into Europe in the first two decades of the twenty-first century.⁵¹ Much of the literature shows that, within economic theory, few if anyone has tackled the issue of true uncertainty and imperfect knowledge since Maynard Keynes and Frank Knight in the 1920s.⁵²

It is possible, however, to observe developments in economics and decision theory when referring to uncertainty and imperfect knowledge. Economists, economic historians and others are familiar with the notion of the 'knowledge economy': in this formulation, knowledge is treated as a resource or a desirable

⁵⁰ Svetlova E. – Elst H. van, "How is Non-Knowledge represented in economic theory?", 10 September 2012, available at: <http://arxiv.org/abs/1209.2204v1>.

⁵¹ Taleb N. N., "Why did the crisis of 2008 happen?", SSRN discussion paper, available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1666042.

⁵² Keynes J. M., *A Treatise on Probability* (London: 1921); Knight F. H., *Risk, Uncertainty and Profit* (Boston: 1921).

asset.⁵³ Knowledge, in information economics, is considered as a tool with which to maximize profit.⁵⁴

In economics, knowledge is considered as a good that is commonly available in principle and should be used; the opposite—non-knowledge—is treated implicitly as a lack of information. This differs from developments in the social sciences, in philosophy and even in history as we have seen, where there has been a growing attempt to develop an agenda for the social and cultural study of ignorance, which is ‘more than “not yet known” or the steadily retreating frontier’.⁵⁵ Already in the 1990s, some economists were pleading for more attention to ‘true uncertainty’ and ‘unknown unknowns’.⁵⁶

In economic theory, the issue of non-knowledge presents, if at all, in the context of uncertainty, and specifically to consider uncertainty under three conditions: risk, ambiguity and unawareness.

First: in risk, the respective probabilities of possible states and events regarding the exogenous world are known to all economic agents; they then agree on the probability measure to be employed in calculation of individual utility.

Second: in uncertainty (ambiguity), the respective probabilities of possible states and events, which are known, are not known to the agents: each, as a result, employs his own subjective prior probability measure in calculations of individual utility.

Third: in uncertainty (unawareness), possible states and events are known only incompletely to the agents: there is ignorance among them as regards relevant probability measures for calculations of individual utility.⁵⁷

In assessing both historical, and contemporary, incidents of migration, it can be seen that trends in world migration today follow, broadly, a pattern of moving from Step 3 to Step 2 to Step 1. This surely merits further study.

A distinction between epistemological and ontological uncertainty is, however, required. Epistemological uncertainty is related to situations where economic agents lack the knowledge necessary to construct adequate prob-

53 Rooney D. – Hearn G. – Ninan A. (eds.), *Handbook on the Knowledge Economy* (Cheltenham: 2008), *passim*.

54 Stigler G. J., “The economics of information”, *Journal of Political Economics* 69 (1961) 213–225; idem, “Information and the change in the paradigm in economics”, *The American Economic Review* 92 (2002) 460–501.

55 Proctor, “Agnostology” 3; McGahey, “Strategic unknowns” 1.

56 Davidson P., “Is probability theory relevant for uncertainty? A post-Keynesian perspective”, *Journal of Economic Perspectives* 5 (1991) 129–143; Diebold F. X. – Doherty N. A. – Herring R. J., *The Known, the Unknown, and the Unknowable in Financial Risk Management: Measurement and Theory Advancing Practice* (Princeton: 2010).

57 Svetlova – van Elst, “How is Non-Knowledge represented” 3.

ability measures. In both cases, knowledge is understood as empirical information that allows for the classification of possible outcomes. These two kinds of probability—*a priori* and statistical—can be measured, and in this sense are known and unanimously agreed upon by all agents involved in decision-making processes: the situation of risk. But taking Knight's statement to its conclusion, uncertainty can be defined as an absence of probable knowledge: in the situation of risk, probabilities represent the measurable degree of non-knowledge: in the uncertainty situation, this degree is immeasurable, and in this sense probabilities are not unknown. Probabilities—including, where will I have a better new start to life, in a new country?—are used by economic agents as a convention that enables them to act; at the same time, though probabilities are widely applied, they represent the agents' ignorance rather than their scientific knowledge.⁵⁸

The major insight of Keynes, Knight, Shackle, and some post-Keynesians, was that economic systems are open and that organic unities are genuinely indeterminate; every decision situation is incomplete because it undergoes a constant change while people decide and act and, by doing so, influence the set of relevant variables; hence, the major characteristics of the decision situation—first of all, the future states that are possible and conceivable—cannot be sufficiently determined; they are unknown. There are concrete reasons for the indeterminacy of decision situations: (1) the big world issue, i.e., the indefinite, non-exhaustive, number of possible future states, (2) the endogeneity of the decision situations, i.e., the dependence of future outcomes on decisions which are prepared and made in the present, and (3) the social contingency which is typical for economic systems, where the indeterminacy increases due to the dependence of an agent's decisions on what other agents decide.⁵⁹

I would suggest a fourth reason for the indeterminacy of decision making: the eschewing of knowledge in crisis situations where one, single, outcome overwhelms big world issues, endogeneity and social contingency, in anticipation of the desired result—something that is required perhaps even in a situation of life-or-death. This abduting of knowledge may be seen as a form of organic decay, where knowledge is shied away from and forgone in the service of an ulterior motive.

All these might best be referred to—after Karin Knorr Cetina—as scientific cultures of non-knowledge and can be analysed along five criteria: the way of dealing with unforeseen events, the way of dealing with complexity

⁵⁸ Keynes J. M., "The general theory of employment", *The Quarterly Journal of Economics* 51 (1937) 209–233, here 213–214.

⁵⁹ Svetlova – van Elst, "How is Non-Knowledge represented" 13.

and uncertainty, the temporal and spatial scales of knowledge, the de- and re-contextualisation of knowledge, and the epistemic (self-)reflexivity.⁶⁰

Considering these, one might argue that politics and research relating to migration should take into account not only known and more or less well-defined risks and uncertainties, but also completely unknown, unanticipated and for a long time unrecognized effects. They should also take into account the means by which knowledge can decay in the minds of agents critically committed to an outcome, especially where the real or perceived outcome is one of life-or-death. This corresponds with new insights from science and technology studies showing that the sciences do not only generate knowledge but also increase ignorance concerning the possible side effects of scientific innovations and their technological application.⁶¹

In order to clarify that such non-knowledge is not simply 'given by nature', but the result of the growth of knowledge itself, the British philosopher of science Jerome Ravetz has termed it 'man-made' or 'science-based ignorance'.⁶² It is crucial, therefore, to deal adequately and reflectively not only with what we know, but also with what we do not know and with what we choose to not know. Yet, of course, historians are fully aware of the apparently paradoxical and possibly unattainable character of the demand to 'respond to ignorance': 'At first sight, responding to ignorance may seem to ask the impossible. How can strategies be devised to prevent outcomes, which, by definition, are not known?', or indeed to encourage other outcomes which are known.⁶³

This might best be labelled the concept of knowledge-decay, of how we acknowledge and recover non-knowledge in the past and consider non-knowledge in the future; it offers a new and promising perspective for dealing with the seemingly irresolvable question of how decisions are made in

60 Knorr Cetina K., *Epistemic cultures. How the sciences make knowledge* (Cambridge, Mass.: 1999).

61 See: Wehling, *Im Schatten des Wissens?*; Ravetz J. R., "Usable knowledge, usable ignorance", in Clark W. C. – Munn R. E. (eds.), *Sustainable development of the biosphere* (Cambridge: 1986) 415–432; Funtowicz S. O. – Ravetz J. R., "Global risk, uncertainty, and ignorance", in Kasperson J. X. – Kasperson R. (eds.), *Global environmental risk* (Tokyo: 2001) 173–194; Wynne B., "Uncertainty and environmental learning. Reconceiving science and policy in the preventive paradigm", *Global Environmental Change* 2 (1992) 111–127; Nowotny H. – Scott P. – Gibbons M., *Re-thinking science. Knowledge and the public in an age of uncertainty* (Cambridge: 2001).

62 Ravetz J. R., *The merger of knowledge with power. Essays in critical science* (London: 1990).

63 EEA (European Environment Agency), *Late lessons from early warnings: The precautionary principle 1896–2000*, ed. Harremoës P. et al. (Luxembourg: 2001) 170.

the face of incomplete, undesired, inaccurate and rejected information. The concept of knowledge-decay refers to the practices by which different groups and individuals generate, acknowledge, and communicate knowledge and non-knowledge.⁶⁴ The term knowledge-decay, like ‘non-knowledge’ indicates the general rejection or absence of knowledge, regardless of its further contextual implications: how knowledge has decayed away, too, as a result of conscious and unconscious acts.⁶⁵ ‘Ignorance’, in contrast, implies the theoretical availability of the knowledge in question; ‘uncertainty’ and ‘indeterminacy’ imply the recognition of a lack of knowledge, as well as its further qualitative specification.⁶⁶

7 Characteristic Traits of Cultures of Non-Knowledge

Analytic criteria are more specific to epistemic practices and routines within research and as historians and political scientists, we ought to consider their relevance for our work. Practices of dealing with non-knowledge should be studied with regard to certain key issues that are crucial to experimentation and epistemic strategies. There are at least five key traits of cultures of non-knowledge:

1. What temporal and spatial scale is considered adequate for knowledge to be valid, reliable, and complete in a particular area?⁶⁷
2. How are unforeseen events and unexpected results dealt with? Are they merely negligible ‘disturbances’ and temporary aberrations from the ‘true’ processes of knowledge generation? Or should they be taken seriously, perhaps even searched for deliberately, as sufficient reasons for critically evaluating and possibly modifying the underlying assumptions?
3. How are complexity, diversity, uncertainty, ambiguity, indeterminacy, and limits of knowledge addressed?

⁶⁴ An additional question worth posing is, is rumour knowledge or non-knowledge? Can it cross the divide between the two? And how much weight should be given to reputation, when considering rumour?

⁶⁵ Weinstein D. – Weinstein M., “The sociology of nonknowledge: A paradigm”, in *Research in the sociology of knowledge, sciences and art* 1 (1978) 151–166.

⁶⁶ This differs from Walker W. E. et al., “Defining uncertainty: A conceptual basis for uncertainty management in model-based decision support”, *Integrated Assessment* 4, 1 (2003) 5–17, here 13.

⁶⁷ Ibarreta D. – Swan S., “The DES story: Long-term consequences of prenatal exposure”, in EEA, *Late lessons* 84–92.

4. What are the ways and routines of coping with de- and re-contextualisation of knowledge?⁶⁸ Robert Strand, in regard to the life sciences, has termed it the 'in vivo-in vitro problem': do historians, political scientists, politicians too, tacitly assume that their research objects (be-that actors in the past, migrants, or genetically modified organisms, nanoparticles, chemicals, etc.) behave in the natural environment exactly as they do in the controlled and artificial setting of the archive or the laboratory?⁶⁹ Or do they take into account the probability or even unavoidability of unknown effects resulting from the multiplicity of influencing factors under real-world conditions? Strand, in his work, criticises the former attitude as 'epistemological optimism' or 'naivety' and pleads for a more reliable and self-critical 'epistemological disillusion'.
5. How pronounced is the disciplinary, interdisciplinary, and transdisciplinary (self)reflexivity of a historical, political or institutional culture?

8 Conclusions

It is clear that the intentionality of non-knowledge on the scale of unintended to consciously suspended knowledge, is key in decision making with regard to travel and migration, and not just in the early modern period. It will undoubtedly prove valuable to explore further the concept within the fields of behavioural economics and behavioural psychology. Historians, too, should champion this research and study the significance of non-knowledge in the pasts they explore. Ignorance can often be dynamic and interdisciplinary. Historians have for a long time been encouraged to consider 'how it really was' in the past and to be aware of how tacit knowledge may exert influence on our views.⁷⁰ More recently, Historians' interest has been piqued by forbidden knowledge, by what was taboo in the past.⁷¹ Perhaps now it is time for Historians to turn their attention to the history of Denial—ignorance as a dynamic process of knowledge

68 Bonß W. – Hohlfeld R. – Kollek R., "Soziale und kognitive Kontexte des Risikobegriffs in der Gentechnologie", in idem (eds.), *Wissenschaft als Kontext—Kontexte der Wissenschaft* (Hamburg: 1993) 53–67; idem, "Kontextualität—ein neues Paradigma der Wissenschaftsanalyse?", in Bonß – Hohlfeld – Kollek, *Wissenschaft als Kontext* 171–191.

69 Strand R., "Naivety in the molecular life sciences", *Futures* 32 (2000) 451–47.

70 The historian's training might, then, be already considered to include a study of all the things we know we do not know (known unknowns); the things we do not know we do not know (unknown unknowns); all the things we think we do not know (error); all the things we do not know we know (tacit knowledge/ value-laden knowledge).

71 Shattuck R., *Forbidden Knowledge: From Prometheus to Pornography* (New York: 1996).

denial and rejection in the past.⁷² The history of overseas expansion, of colonisation and of migration will gain greatly from such an approach. And in this way, Historians may well gain a greater understanding of decision making and the darker side of knowledge in the pre-modern period.

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72 Best – Intons-Peterson, *Memory Distortions* 128.

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